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“ *My Lords and Gentlemen,*

“ In the prosecution of this great and important contest in which we are engaged, I retain a firm confidence in the protection of Divine Providence, and a perfect conviction of the justice of my cause; and I have no doubt but that, by the concurrence and support of my Parliament, by the valour of my fleets and armies, and by a vigorous, animated, and united exertion of the faculties and resources of my people, I shall be enabled to restore the blessing of a safe and honourable peace to all my dominions.”

As soon as the King was gone, and prayers over, Lord *Southampton* rose, and began with apologizing that it should fall to his lot to be obliged to take the first notice in that House of the melancholy catastrophe which had happened to the gallant Earl and his army in Virginia. He paid the highest compliments to the Earl's bravery, spirit, and good conduct, as well as for his having surrendered on capitulation, in a moment of great exigency, and thereby prevented his army from becoming a sacrifice to the sword, which must have been the inevitable consequence of his standing out longer against a force every way so much his superior in point of numbers, ~~and an~~ ^{advantage} as to situation, artillery, &c. After dwelling a short time on this melancholy circumstance, he took occasion to observe, that it ~~was~~ not to make too deep an impression on the minds of the Lordships, because that their example would naturally be looked up to by the rest of the kingdom, and the moment of calamity and the pressure of misfortune was by no means the moment for a great people to give way to despondency. His Lordship then called the attention of the House to the present prospect of our affairs in India, ~~and~~ ^{he} argued, that if our aims had been less successful in America than the justice of our cause was entitled to, it was some consolation to find, that the case was different in another quarter of the globe. His Lordship summed up his speech by earnestly exhorting the House to recollect, that the eyes of all the world were turned upon their Lordships, and that it depended on the proceedings of that day to show mankind in general, that the people of England would not tamely submit to the dismemberment of their empire; but, like their Prince, professing true magnanimity of mind, derived fresh ardour from affliction; and that increase of danger and difficulty only added to the energy of their exertions.

ertions. His Lordship concluded with moving, that an humble address, &c.

Lord Wal-
singham. Lord *Walsingham* rose, he said, to second the motion made by the noble lord, and entered pretty fully into the state of the country, and justified the measures which led to it, somewhat in detail.* In order to take a fair view of the question, he was ready to acknowledge, he said, that the political hemisphere seemed overcast, and that public affairs wore the most alarming aspect. He was ready to admit, that the most formidable combination this country ever saw had, from different motives and with different views, confederated themselves for the ultimate destruction of the empire. But then, however alarming this might appear, it would point out to their lordships, the necessity of a most vigorous and spirited resistance, because it would clearly shew that the whole was pointed to our destruction. He exposed the principles upon which the different parts of the confederacy were acting, viz. your own fellow-subjects fighting for independence under foreign assistance. France protecting them against the faith of treaties and the declared law of nations. Spain without a shadow of complaint throwing her weight into the scale, and above all, he regretted with the most real concern the loss of our ancient and natural ally, (Holland,) that she should forget her former policy and act so inconsistently with those mutual engagements which had so long and so inseparably bound the two countries.

Such being the motives on which those different powers had acted, and such the ultimate objects which they had in contemplation, if would, he presumed, be extremely necessary to trouble their Lordships with arguments calculated to exhort them to the most steady and vigorous measures in endeavouring to defeat the joint attempts of to destroy a confederacy, which was directed manifestly to the overthrow of this country.

His Lordship having discussed fully on this part of his subject, added, by way of commentary or explanation, several auxiliary arguments in support of his general assertions, and pointed out to the House the absolute necessity there was for agreeing with the address moved by the noble lord. If Parliament should hesitate to co-operate with his Majesty, agreeably to the sentiments delivered from the Throne, what would, in all probability, be the consequence? Allowing, for argument sake, that it might be thought expedient

to discontinue the war in America, and declare that country independent—would that answer any beneficial end?—No; but it might in his opinion be productive of the most fatal and extensive mischiefs. The people of that country, at least the governing power, would feel themselves bound by recent obligations and the performance of solemn treaties; they would give a trading preference to France, in the sale of all their valuable commodities; so that whatever we might obtain through the medium of commerce, would probably be of an inferior quality; and perhaps at an advanced price. Under such circumstances, we could expect to derive very little advantage, in the way of commercial intercourse, with America, so long as she should continue under the obligation of treaties with France. Naval stores was the great staple of America. It would be in the power of France to obtain a monopoly of that trade in her favour, which would give France such means of forming a naval power, and of cutting off our naval supply of stores, as must, sooner or later, terminate in the actual annihilation of the British marine.

He wished their Lordships would direct their attention to the probable fate of the West India Islands, to our most valuable fisheries, and to every one object which served to add to our maritime strength and commercial greatness. It was not only the immense returns we received from those islands annually; it was not merely the quantity of fish that was caught and sold, but it was the shipping and vast number of mariners employed. Those proved the best strength of this nation. That description of men would cease to exist if they no longer had employment, and of course our power and greatness would be at an end, and we should be obliged to content ourselves exactly with that situation which the great powers of Europe should think fit, with high interest or compassion, to carve out for us. He would just add a single observation, that whatever nation possessed the dominion of the sea, would certainly give law to the East Indies; so that these two islands would gradually fall into a state of insignificance and national imbecillity, more mortifying to a high spirited people than actual subjugation, where perhaps they might have exerted themselves as more than men, and when they fell left it upon record, that they had fallen gloriously in defence of their liberties and national independence.

He reminded the House, that the King had spoke of the trust that was reposed in him as the sovereign of a free people,

people; that a share of that trust was also reposed in their Lordships, and that they could not, consistently with their trust, sacrifice the interests of the empire to a peace, which would be short, even if attainable, and which would be impolitic, because it would go on the narrow ground of sacrificing the future to the present. He said, it could not be their interest, even if he could suppose it their inclination, to deliver themselves up to a blind despondency. He told the House, that whatever measures the necessity of the times would call for, whether peace or war, still the hands of government must be strengthened by assurance of support from that House. He told them, that no nation ever rose superior to her misfortunes by an abandonment of her fortitude and her cause: that no combination of powers ever in the history of times crushed one power, though one power had indeed often crushed many countries in combination with each other.

He then took a view of the attempts of France in Europe. He held her up as a picture of disgrace there, rather than of triumph, for having made such boastings of the invasions she had projected, and of their fruitless effects; that with the combined fleets she had force enough at least to attempt something, and he drew some reflections on the probable want of harmony in their councils, arising from a separation of interests, which prompted them to return home *re infectâ*; and he spoke in praise of our policy, in keeping the force that was stationed off the Texel always bent upon its object of preventing the Dutch from making their voyage to the Baltic.

He then took a view of the favourable appearances of things, to which the speech alluded, in the East Indies. He lamented, in strong terms, the Mahratta war. He described Hyder Ally as being under a necessity of abandoning the Carnatic. He pictured the Mahrattas as being completely invested by our troops from breaking on the Company's territories. He described Bengal as in a state of peace, and when some noble Lords shook their heads, he explained himself as meaning at peace from foreign enemies, but not from internal dissensions, if they meant to allude to the different Zemindars, in whose hands the collection of the revenues was placed. He said, the Nizam would not, he believed, forsake the company; that the French had not a settlement upon land whatever force they might have at sea, and that the Dutch
were

were defenceless, and had not secured the affections or the obedience of their subjects.

He then spoke of the East India Committee, of which he had been a member. He paid many compliments to the gentlemen who composed it for their candour, their abilities, and their determined perseverance with which they had proceeded. He advised the House not to prejudge any of the parties, lest possibly one day or other they might have some of them in judgment at their bar.

Before he concluded, he made one more exclamation against France, and upon the urgency there was of directing the whole British force against that marine—upon which there was a great cry of Hear! hear! Yes, (said he) hence should be your principal object. She has been your principal object. You have been fighting France in America, and if you could have haply gained a victory over her; then you would have gained a greater point than if you had destroyed her fleet off the harbour of Brest. He conjured the ministry, whatever they did with the troops in America, never to recall the fleet from the American coast, because if they did, America had so much within herself the means of establishing a marine, that the commerce of all our islands would be effectually destroyed. But, he said, these matters were properly the consideration of the executive government. He condemned the policy which had prevailed of late years, of taking away the responsibility of the executive power by throwing every thing into Parliament. He said it was unconstitutional to do so. He said, all Parliament had to do was to promise support, as the address proposed, in general terms, for the prosecution of war, without pointing out the mode of carrying it on.

His Lordship, after making several more observations, exhorted their Lordships to call forth that vigour of spirit which, he trusted, still remained unabated in this country, because it had never been exerted in vain. Disagreeable as the prospects were, there were instances recorded in history, when public affairs wore a much worse aspect; and how did we surmount them? not by doubts and apprehensions approaching to a fatal despondency, but by the most active exertions and the most consummate resolution. By such means we had hitherto triumphed, and defeated the deep-laid schemes of our enemies; and although, by resorting to the same means, and adopting a similar conduct on the present occasion, he could not flatter himself that the event would

would prove equally successful, yet he knew not in what other manner it would be feasible for us to act. The fate of Lord Cornwallis was to be lamented as a public loss, and no man who was acquainted with his Lordship's eminent abilities and general character, but must feel for him as an officer, and his gallant army.

He then concluded a speech of considerable length, with hoping that their Lordships would agree to the motion made in answer to his Majesty's most gracious speech from the Throne.

Lord Wycombe.

Lord Wycombe (Earl of Shelburne) began with saying, he was not surprized by the opinions and sentiments expressed by the two noble Lords who had moved and seconded the motion for an address, nor was he surprized at the language they had that day listened to from the Throne. He could easily account for a Prince, possessed of a valorous and generous mind, gathering firmness from misfortune, and assuming an air of dignity and determination in the moment when calamity pressed hard upon him and his people. He could easily account to himself, why his Majesty, who had seen his empire at its achme, at a pitch of glory and splendor, perfectly astonishing and dazzling, tumbled down to disgrace and ruin, with a degree of precipitation which no previous history could parallel, should rise in greatness of mind superior to the dreadful situation of his affairs. As little was he surprized that ministers should take advantage of the noble sentiments of their monarch, and contrive and fabricate such a speech as should best suit to flatter his personal feelings; but it was to be remembered, that those ministers had never governed long for the people's advantage in any country, who had not fortitude enough to resist and withstand the mere impulse of their master's sentiments, when the real state of an empire called for a plain, sincere, undisguised representation of its condition, and honestly tell him what really was or was not adviseable, or likely to retrieve his affairs, and bring them back again in some tolerable degree to the happy and prosperous condition in which they so lately stood. It had been usual, his Lordship observed, to treat the speech from the throne as the speech of the minister, but whether in fact, the sentiments they had just heard were the genuine sentiments of his Majesty, or the language which the minister had put into the Royal mouth, he should proceed to give his opinion upon it exactly as it struck him. His Lordship then proceeded

to examine the speech, and declared it appeared unaccountable to him how the situation of our affairs in India got into it. He listened with great attention to all that had fallen from the two noble Lords who had supported the address, to find if he could gather any new light upon the subject; but nothing they had said, and he would be bold to say, nothing that either of them could advance, would serve in the least to clear up the mystery. He would take upon him to assert, that government were in possession of no authentic information on the subject, nor were they able to produce any account that could warrant that House in supposing, that our affairs in India were in a condition to be boasted of. The abominable peculations and abuses that had been practised there by those in power, were a scandal and a disgrace to ministers, who ought long since to have applied a radical cure to the evil, and effectually prevented a continuance of practices that had loaded the British character with infamy. The noble Lord who spoke last told the House, that Hyder Ally was repulsed, and that our arms under the conduct of Sir Eyre Coote had been crowned with conquest. Supposing these facts to be true, exactly as they were stated, what did they amount to? He was well assured, and he spoke from authority that might be depended upon, that such were the damages done, to the Carnatic by the irruption of Hyder Ally and his enormous quantity of cavalry, that it could not be retrieved in a great number of years. The noble Lord spoke of the province of Bengal, and of the East-Indies, being a mine of resources to this country; he had waited to hear something of the Bengal treasury, but not a syllable upon the subject! The fact was, there was not a single shilling there, and the territorial revenues in the East-Indies, for want of proper management and conduct, so far from being a mine of resource, would prove a heavy burthen to this country; the expences of the government, of the forces there, &c. being obliged to be sustained at an immense cost to Great-Britain. The noble Lords talked of our resources, and both they and the minister's speech, had pointed out the East-Indies as the proper place to draw them from; he would take the liberty to excite the attention of their Lordships to facts, and places nearer home; and first, let them recollect the material events of the war. We had now been thirteen years engaged in it, for so long ago it was (at

a time when he had the honour to be in office,) that a question arose on the subject of sending two regiments to General Gage; he was perfectly in the recollection of some of his then colleagues in office, that he delivered it as his opinion, they should be sent with a discretionary power to General Gage, to keep them, if occasion rendered it absolutely necessary, but otherwise to send them back. His colleagues in office were of opinion, that they should stay at all events in America; he was overpowered, and they went. At that time he predicted the fatal events that ensued. It was now seven years since blood was drawn in America, (for it was in 1775 that the affair of Lexington and Bunker's-hill took place,) and let their Lordships pause a little upon the events that marked the progress of the war! He mentioned the capture of Mr. Burgoyne and his army, and imputed the public misfortunes to a want of system, of combination, and intelligence, which, he said, particularly characterized it from beginning to the end. He declared, we had all through been following the French, and giving them the advantage by that means. That as soon as we heard they were sailed with a large force on an expedition, we followed them with a small one, and scarcely ever arrived till the business they went upon was executed. This, he asserted, was the case in the Chesapeak. Not that the Chesapeak was merely where Lord Cornwallis had been captured. We should immediately almost, if the war was continued, with the same want of system and combination, as it had been, have another Chesapeak at Jamaica! another Chesapeak at Barbadoes! another Chesapeak at all our West-India islands! nay, he expected to see another Chesapeak at Plymouth, and should not wonder to find a Chesapeak in the River Thames! He stated the periods at which France and Spain had broke with us, and said, that last year was marked by the phrenzy of our going to war with our old natural friend and ally the Dutch. He called it a war of perfidy and of breach of faith; he said, as the measure was concealed till the moment of its taking place, he thought that ministers had determined in that case to do something great, something important, something to recompence the loss of reputation incurred by so shameful a surprise. For his part, if he had ever determined on being a rogue, he would at least have shewn himself an able rogue, and have done some deed great enough to bear out his perfidy; when ministers, therefore, broke with the Dutch, he supposed at least

least, that they had sent to seize on some of the Spice-islands, Ceylon, or some other important place. But what had they done? Taken St. Eustatius! He appealed to the House whether, when that matter was debated last year, he did not say the capture of St. Eustatius would prove the worst job of the whole war. His prediction had been fully verified. It was said by ministers, that the taking of St. Eustatius would put an end to the rebellion; that it was the source of stores to America, and that the war would be finished by it. Was that the case? On the contrary, was not the reverse directly the consequence? Our Admiral and General who took the island, had ten times better have burnt the stores they found there than have done what they did with them. They sold them to go in neutral vessels, so that they fell into the hands of the very people from whom it was pretended they were to be kept. Perhaps there was a verbal condition, that those who bought them should not sell them to the rebels; but let their Lordships consider what reliance could be placed on a verbal condition, that a merchant should not sell the goods he had purchased to the best advantage! When he said, that the capture of St. Eustatius was a circumstance rather to be lamented than rejoiced at, he had spoken from good mercantile authority, acquired at the other end of the town, and the event shewed, that those men whom he had talked with upon the subject, were perfectly right in their conjectures. For his part, he solemnly believed the capture of Lord Cornwallis was owing to the capture of St. Eustatius.

The speech and the address talked of prosecuting the war; how it was possible? Where were the resources? With regard to men and money, to say nothing of the conduct of the Admiralty, and of the army and navy, where were they to be had? From living in the country, he knew that a single recruit for any of the old regiments was scarcely to be obtained on any terms. Our navy too, if we had the best First Lord of the Admiralty, and the ablest Board that ever sat, it was impossible to provide for all the distant services of so extensive a war; and the reason was obvious, the fine navy that belonged to Great-Britain at the conclusion of the last war had been suffered to rot and moulder away, while France and Spain had been recruiting and repairing their navy during the whole of the peace. With no money, the last loan of twelve millions cost the country,

twenty-one, so extravagant were the terms on which the money was borrowed ! The war had already added eighty millions to the national debt, and before the next campaign was over it would amount to one hundred, so that, in fact, we should have double the interest of the national debt to pay without the smallest prospect of peace. With regard to allies, where were we to look for them ? There was one power indeed in Europe, the amiableness and greatness of character of whose sovereign, as well as his immense resources, added to his great predilection for this country, pointed him out as the only power that could interfere to our advantage, but to his certain knowledge, the Prince to whom he alluded, regarded the present war as a mad and a desperate war for Great Britain to have undertaken and engaged in. Before therefore their Lordships acceded to an address that pledged them to prosecute the war with vigour, he hoped and expected that Ministers would stand up and declare that they had resolved on an entire change of system ; that they had resources to which their Lordships were strangers ; that they meant to imitate the king of Prussia, by founding all their proceedings on strict justice ; and that the war was to be conducted on a plan that had something more like wisdom, combination, and knowledge, for its basis, than any thing that had hitherto appeared in their conduct.

His Lordship complained of that method of doing business in Parliament, which, he said, ministers had lately adopted. He did not understand postponing the meeting till just before Christmas, merely to hurry through the money-bills, and then adjourn, any more than he approved postponing the consideration of all material national topics in Parliament after Christmas, till just upon the summer recess, when most of the country gentlemen were out of town, and there was great difficulty in getting together a tolerable House to do the business.

His Lordship here entered into explanatory observations in order to elucidate his general assertions. He contrasted the money borrowed and funded with the effects of each successive campaign.

This ill-fated war, his Lordship observed, commenced in 1775 : No money was borrowed that year, because ministers were fearful of alarming Parliament and the nation with the prospect of any additional expence. Blows began, and the fields of Lexington and Bunker's-hill were the first witnesses

to the deplorable sight of Englishmen and fellow-subjects shedding each others blood.

The campaign of 1776, commenced with the evacuation of Boston, and terminated with the affair at Trenton. That year we borrowed two millions. That of 1777 was distinguished chiefly by the capture of Philadelphia, and defeating the Americans in two pitched battles; but how was it wound up? by the capture or loss of five thousand of our finest veteran troops, commanded by General Burgoyne. That year we borrowed five millions.

The campaign of 1778 opened a new scene in Europe and America: France declared against us; America was, by that means, for ever separated from the parent state. Philadelphia and Rhode-Island were abandoned or evacuated; and the debt incurred that year was seven millions.

The campaign of 1779, in America, was various and rather successful, but exhibited nothing decisive. We gained ground in the southern provinces, but were unequal to the making any attempt in the northern or middle colonies, where only the resistance was or could be formidable. This year produced another powerful enemy in Spain, who declared against us; and this year we borrowed ten millions. The campaign of 1780 was ushered in with the capture of Charles-town, and was followed by some signal advantages gained in the interior country; but it ended unfavourably with the total loss of a very valuable corps under Colonel Ferguson; and that year we borrowed twelve millions.

It would be taking up too much of their Lordships time to particularize the transactions of the year 1781. It was sufficient to observe, that the campaigns ended with the capture of seven thousand of the best veteran troops in Europe and their gallant commander; that we had scarcely a foot of ground in America which we could, with confidence, call our own; and, that this year, as the last, we added twelve millions more to the national debt.

The question of continuing the American war, he stated to be a most weighty one, and a question which ought not, by any means, to be hastily decided upon; in order, therefore, to give due time for considering it with proper attention, he declared, he had drawn up a motion, which he would read, and which was as follows: 'To leave out all the address, after the second paragraph, and insert these words: "And we will, without delay, apply our-
selves

selves with united hearts to propose and digest such councils to be laid at his royal feet, as may excite the efforts, point the arms, and command the confidence of all his subjects."

He said he had drawn up his motion in the most moderate and inoffensive terms possible, with the hope that it might meet with their Lordships unanimous concurrence; at the same time a few words would be necessary for him to say in apology to those noble Lords with whom he had been accustomed to act, in order to obviate any objection that they might take at his offering so cold and temperate an amendment; and first, he begged them not to consider him as meaning by any means whatever to compliment ministers, or shew the least approbation of their measures respecting the American war, every one of which he had so uniformly and so decisively condemned. So far was he from having any such intention, that he declared, if any one Lord would move a motion reprobating the conduct of Administration in the strongest manner, he would give it his hearty support. His Lordship quoted the saying of the Earl of Chatham in that House some years since, when speaking of the measures which were at that time pursuing; the Earl said, "that though he would not take upon him to declare, that if the system then adopted was persevered in, his Majesty would lose his crown; he would say, it would precipitate his affairs into such a state of ruin, distraction, and calamity, that his crown would scarcely be worth his wearing." This situation, his Lordship said, was now approaching with rapid strides.

Duke of
Richmond.

The Duke of Richmond rose and said, that he agreed in almost every argument and position of his noble friend. The second paragraph of the proposed address, his Grace thought was exceedingly exceptionable. In that paragraph it was stated, that the House lamented that the "restless ambition of his Majesty's enemies prolonged that war which it had occasioned;" this assertion, his Grace said, appeared to him to be altogether unwarrantable and ill-founded, for he verily believed that the King's ministers, and not the restless ambition of his Majesty's enemies, were the cause, not only of the war, but of all the calamities that had followed one another so fast, almost from the commencement of the present reign. We owed the dreadful and disgraceful situation of our affairs to what many a man owed his private misfortunes; to folly. It was to that wretched system of government which had been early adopted

adopted in the reign of his Majesty; and which first gave rise to that abominable title; that odious distinction, called "a king's friend," as if a man could not act in opposition to the measures of Government without being a personal enemy to his Majesty. His Grace applauded the proposition of the noble Earl, and said it was the duty of their Lordships to suggest salutary advice to the Crown, and to stand up as assertors of the rights of the people, but that he thought there was little prospect of giving that advice with any effect, unless the original principles of the constitution were restored, and, particularly, the people had a real representation in the other House of Parliament. At present, his Grace said, scarcely a seventh part of the people were represented, while all the remainder had no concern whatever, either virtually or individually, in the management of their own affairs, which their Lordships well knew the constitution of this country, as originally framed, gave them a right to have. He appealed to the House, whether many of their Lordships did not name the members for several boroughs, and whether the representatives were not chosen only by the management of two or three burgesses? Was that the sort of representation designed by the constitution? Undoubtedly it was not. When this matter was reformed, his Grace declared he should hope to see the country in a way to regain somewhat of its former greatness; but there were several things which he should advise as steps to success equally necessary; and first he should wish ministers to consider themselves as somebody, and to have a communication with each other; in short, so to act together, and in a manner which should appear to arise from concerted judgment and comparative opinion. At present, he said, the country was governed by clerks, each minister standing upon his single footing, and confining himself to his own office; the consequence was, there was no responsibility, no union of opinion, no concerted measures, but, in the stead thereof, disunion, weakness, and corruption. The interior cabinet, he declared, had been the ruin of this country. To prove its mischievous tendency, he instanced the declaration of the Earl of Chatham, who had said in that House, "that on his last coming into office, when he entered the King's closet, he found his ground rotten, and that he had been duped and deceived." He next observed, that his wish would be to change the system of the war; to

carry

carry it on defensively, and not offensively. The great error was, we had acted upon the offensive, without the power to do so with any effect; by changing it to a defensive war we might recover, and by and by be able to act upon the offensive. And he begged the House to understand, that by a defensive war, he meant to advise a war by sea; to strengthen our navy, the natural security of the kingdom, and to lessen the army. His Grace declared, though it was the middle of a war, he made no scruple to recommend it most strenuously to Government immediately to set about diminishing the army; and that as much as possible. Ireland, he thought, might be guarded sufficiently by the volunteers, and this country by the militia, if put upon a proper footing. His idea was, that the country should be armed, and then they would prove a more powerful defence than any army, however numerous. He advised withdrawing the troops, and strengthening the West-India islands; asserting, that if the Americans were left to themselves, there was the greatest probability that a reconciliation might in time be effected, and that they would by and by sue to us, and solicit our protection of them from the oppressions of the French, their present unnatural allies. By prosecuting the war, we only increased their animosity against us, and rivetted the bonds of their alliance with the French more strongly. His Grace spoke likewise of the state of our fortifications at home, and said that a great deal of money had been most ridiculously wasted on new works, which, when finished, could be of no use whatever. He particularly instanced the lines at Chatham, which he declared, as a military man, were the most absurd and ineffectual that could possibly be devised, and yet they were erected at an immense expence. The thickness of the parapet, his Grace said, was no more than seven feet, whereas every person at all used to fortification, knew that the proper thickness of a parapet, cannon proof, was eighteen feet. Such mere paper works, his Grace declared, would be knocked all to pieces at the first fire, were guns brought to bear on them! After dwelling on these and a variety of other matters, the Duke declared, if the motion was unsuccessful, he should not tire the House with the farce of debate this session; and at length concluded with moving, that the second paragraph of the Address, as originally moved, be omitted, and that it stand only the first paragraph, in order to make room for the introduction of Lord Shelburne's amendment.

The

The Earl of *Westmoreland* supported the motion for the Address very warmly. His Lordship was as ready to acknowledge he said, as either the noble Lord or the noble Duke who spoke last, that our affairs were unhappily in a very disagreeable way; nay, he would go a step farther with the noble Lords, and confess they were in a very alarming situation, but he would never consent to go the full length of the conclusion which their Lordships seemed desirous to impress on the House, that the affairs of this country were irretrievable. He was, for his part, led to think very differently upon the subject, and instead of holding out gloomy ideas creative of despondency, he should rather recommend to his fellow subjects to stand forth like men, and in proportion to the dangers which actually threatened or seemed to threaten them, to rise in their exertions and supply what in some respects seem now wanted, by the utmost vigour, accompanied by the most unmixed and persevering resolution.

This country, history informed us, had often experienced the most imminent national peril. Her liberties had been frequently attempted, and in more than one instance directly violated. She had been attacked from without and within; she had a powerful enemy, one of the most powerful in Europe, threatening her on one side, and a numerous party at home, friends to the exiled king, on the other: yet, in a moment such as he had described, one of the most perilous that could be possibly conceived, when our laws, liberties, and constitution were at stake, the people of England did not despair; they did not adopt the language of lamentation and despondency: no, they stood forth like men, they acted with the most uncommon resolution, they made exertions unprecedented in modern story; the means adopted were adequate to the great and glorious object they wished to obtain, and private virtue and public spirit at length happily prevailed over the machinations of wicked ambition, and a system of tyranny and despotism, levelled at the very vitals of the constitution.

He could adduce innumerable examples of the principle which he had been endeavouring to establish from the history of those nations and states, which by the extent of territories, natural or acquired power, seats in arms, knowledge of the arts and sciences, or public virtue, have been most renowned, and history had held almost one uniform language on the subject, that national disappointments and public defeats, however fatal in their immediate effects, or alarming as to future consequences, instead of depressing

the spirits of the people, or urging them to enter into disgraceful or precarious terms of accomodation, had a direct contrary operation, and never failed to suggest the most probable means of either retaliating on the enemy immediately, or adopting the plan most likely to ensure success and victory at some future and more seasonable period.

Such was the conduct of the little Grecian republics, when assailed by the almost invincible or irresistible power of the Persian empire, and such was afterwards the unalterable wisdom and policy of that glorious republic, framed and established by the antient Romans. To quote examples in order to demonstrate that this spirit, such as he had described, gave birth to a fixed principle of policy in the Roman people, and pervaded every part of their legislative and executive system, would, in some measure, amount to an history of that republic, till she attained to be the mistress of the world, yet out of a great number which then crowded on his mind, he could not avoid mentioning one which particularly struck him at that instant; it was the answer the Roman senate gave to the ambassadors of Phyrus, who came to Rome with offers of amity and accomodation, after having gained a complete victory over the flower of the Roman legions, a war too, in the course of which they had lost three armies. What was the answer of the senate? "Tell your master," said they, "that we will treat of peace with him, when he gives us back his victory."

His Lordship here entered shortly into his reasons for giving his negative to the amendment moved by the noble Lord early in the day, observing, that it would, if agreed to, suspend all national exertion, or rather operate as a discouragement to all rigorous measures whatever. He should not trouble their Lordships on the manifest impropriety of the proposition, because he expected before the House rose to hear it discussed in a much abler manner than he could pretend to do.

His Lordship concluded his speech with exhorting their Lordships by their conduct and example, to inspire the nation at large with those sentiments which could only rescue us from our present situation; a preparation for a vigorous continuation of the war, in order to balance our late fatal disasters, and that in the field, where only such disasters could be repaired. His Lordship spoke to several other points of less consequence, professing that he had no other motive for troubling their Lordships than the honour of his sovereign and the good of his country.

The Duke of *Dorset* expressed his full approbation of the Address, as moved early in the day. He said, matters had gone to such a length that it was now too late to recede. If we stopped or hesitated, we must be undone; it therefore became, as well from sentiment as necessity, our indispensable duty to proceed to call forth every power and ability resident in the state; to strain every nerve, and determine, as men and Britons, to persevere till we shall be able to effect an honourable peace; or if we must fall, of which he entertained not the most distant apprehension, to fall characteristically, agreeably to the long established reputation of Englishmen, with honour and glory.

Duke of
Dorset.

His Grace was followed by the Marquis of *Rockingham* in favour of the motion, and of course against the Address, as originally moved. He observed, the calamities we now felt, though they had been many years approaching, were not produced by any sudden or transient cause; they were the fruits of system and pre-determination; of a combination of views and motives, long and sedulously weighed and considered, but which could not be matured, nor carried into execution, till after a certain event. That event (the death of the late king) at length took place, and the system in a few months began to exhibit itself. It was a proscriptive system, a system of favouritism and secret government.

Marquis of
Rockingham.

On the demise of that good and great Prince our public affairs were in the most prosperous situation. We triumphed over our enemies wherever we met them, and were successful in every quarter of the globe whither our arms were borne. We had a Pitt to direct our political machine. We had a Newcastle at the head of our finances. We had a Legge at the Exchequer, and an Anson at the head of our navy. They were not only able and upright men, but they were, what in this country, where the powers of government are divided and parcelled out, will be at all times of the greatest consequence, so long as the spirit and scheme of our constitution are faithfully adhered to. They formed a popular administration. They had the confidence and good will as well as the approbation of the people.

This formed one side of the picture; turn for a minute to the reverse. The men he had been describing were obliged to resign one by one. They perceived they did not possess the confidence of their Sovereign, and with it that species of power so necessary for carrying on the affairs of government with success. They retreated with a mixture of sorrow and disgust, as they could no longer retain their situations with honour, which made way for the appointing

a nobleman of great private worth, he presumed, but whom from his birth to the time of his elevation to the part of first commissioner of the Treasury-board, had no opportunity whatever of making himself acquainted with public business. He should avoid detail, and content himself with one general observation, that henceforward every thing was conducted through the means of favouritism and secret influence; and the two or three short lived successive administrations, which were called by their Sovereign to conduct the affairs of government, soon felt the weight of both, and when the necessary experiments had been made, and the strength of parties fully tried, then was the mask thrown aside, and the real system of 1760 fully developed in 1767, from which last period to the moment he was speaking, it had continued in full vigour, and was likely to do so till the effects had fatally verified the source whence they sprang, by, he feared, the total ruin of this country.

His Lordship observed, that if he had no other objection to the Address as first moved, the passage objected to by the noble Duke would have insured it his most hearty negative; where it is proposed, "to assure his Majesty that they see with concern that the war is prolonged by that restless ambition which first excited our enemies to commence it." Here he would, in the language of Parliament, consider the Speech from the Throne as the Minister's, and as such he would, without reserve, venture to pronounce this charge as arrant a falshood as ever was framed. The restless ambition so unjustly imputed to others ought to be traced to its true origin; to secret influence; to a lust of unconstitutional power; to an attempt to render America as servile and devoted as England had already proved herself; and, under the high sounding terms of unlimited rule and royal patronage, invite the Sovereign to the adopting those fatal pernicious counsels which had already deprived us of America itself, and would probably end in the dismemberment of all the distant possessions and dependencies of the British empire. It was this species of restless, unattainable ambition, which was the cause of the war, as it still continues to be of its prolongation. At the time these unhappy disturbances broke out at Boston, we had not a single declared enemy in the world, nor for nearly five years afterwards, except the resistance made by our own subjects against the oppression and tyranny which we endeavoured to inflict upon them. At length, driven to the brink of despair, and preferring every other evil and inconvenience

convenience to slavery, they sought assistance from a foreign power. When another enemy was added, and lastly, though Spain did not come in as an ally, she threw a weight in the opposite scale, which answered nearly the same end. After confirming his general assertions, by several corroborative arguments, he concluded with declaring, that he would give his hearty assent to the amendment moved by the noble Lord, and since amended by a noble Duke.

The Earl of *Denbigh* said, he could not give a silent vote Earl of
Denbigh on a question of so much importance in the present critical situation of our affairs. The noble Earl, who moved the amendment, had censured the capture of St. Eustatius, and called it an instance of perfidy. For his part, he saw the matter in a very different light; the war with Holland was a necessary one, and so far from being taken by surprize, the Dutch knew that war with England must ensue if they did not comply with her just and fair requisitions. As to taking the island before the declaration, and by surprize, as the noble Earl termed it, that was not the case; but if it had, where would have been the criminality of the measure? He was old enough to remember, that at the beginning of last war, previous to any declaration, we seized the French merchantmen, and it was then talked of as a most laudable measure, though we only got a little salt-fish and a few of the French seamen, whereas the capture of St. Eustatius was worth at least a million and a half to Great-Britain. The Ministry had been abused for the disaster that had happened to Lord Cornwallis when they were not to blame in the least. It was the executive, and not the ministerial branch of government, to whom alone any censure was imputable. The executive branch, he repeated his words, and he would tell their Lordships why he rested the blame there. Information was sent to the Commander in Chief of the army at New-York, of the intended expedition of the French in the Chesapeak, so long ago as May last; it was repeated again in June and in July, and he believed fresh information of it was sent so late as August last, and nothing was done in consequence to avert the evil that was impending. That gallant Admiral, now at home, and who had performed more actual service than any other sea officer this war, had sent word of the intended expedition from the West-Indies to New-York: And when he came away he ordered Sir Samuel Hood to proceed with his fleet to the mouth of the Chesapeak, and wait there till

Admiral

Admiral Graves joined him, in order to prevent the French fleet from entering the Chesapeake, and effecting their design, Sir Samuel Hood arrived at the mouth of the Chesapeake with his Squadron, and dispatched a frigate to Admiral Graves, to let him know he waited for him; he continued there nine days, but was not joined; when, tired with waiting, he looked into the Chesapeake and into the Delaware, but saw neither friend nor foe; he then sailed to New-York. His Lordship said farther, that Admiral Graves did not take all our ships with him when he engaged *Monf. de Grasse*, but left one behind him. He added, that by mentioning these particulars, he meant to impute blame to no man, only to clear Ministers, who had been unjustly accused. Probably the commanders in chief by sea and land, in America, had very good reasons for what they did. All he wished for was an inquiry; a full, fair, and serious inquiry into the real cause of the disaster. The public, and their Lordships had a right to have so capital a loss accounted for, that they might know where the blame lay. His Lordship declared he thought the American war ought to be prosecuted. The loss of four, five, or even six thousand men, did not weigh with him sufficiently to induce him to alter his opinion upon the subject; he therefore gave the original Address his hearty support.

Earl of Derby

Earl of Derby said, he did not intend to have troubled their Lordships that day, but he rose to express his astonishment, mixed with no small degree of indignation, at hearing a speech from the Throne, and an Address moved upon it, without one Minister or person of responsible office rising to avow their support of the one or the other. The noble Lord (in place, indeed, but no Minister) who spoke last, had spoke out, and said very material things, for which he returned him his sincere thanks; but why Ministry themselves chose to be silent on such a day and on such a subject he was wholly at a loss to determine. His Lordship imputed it to something lying concealed under the words of the Speech and the Address, and said it was a sign that our affairs were not merely in a bad state abroad, but that there was something bad at home. He declared, his Majesty was held in delusion, and that it was the especial duty of that House to take the bandage from his eyes, and by honest and wise counsels to assist in extricating him and his people from their present difficulties.

. . . Lord

Lord *Stormont* rose in consequence of this call, and endeavoured to justify the necessity and expediency of continuing the war. His Lordship observed, that the Address was so excellent in itself, and so well supported by the noble Lord who introduced it, that he did not deem it necessary to add his weight (however small in his own opinion) to enforce the necessity of it: but, as he was called upon, he would say, that as the eloquence of noble Lords is of the most wide extent, so that their arguments on the present question took the most ample range. They talked of matters quite foreign to the present question. To offer advice to the Sovereign in what manner the war was to be carried on, would be to open in Parliament the whole intension of the campaign; and that was a matter, he trusted, which the wisdom of the House would never assent to. His Majesty spoke of peace as the wish of his heart. There could not be any noble Lord to doubt it. His Majesty wished to support the dignity of his crown and to secure happiness to his people. There was no Peer could think he meant otherwise. What then did the present amendment tend to? It could not be peace, because it mentioned the sword; and it should not be a discussion in the House of the plans of the war, because that would, where debate was open to all hearers, be attended with certain danger to all expeditions.

His Lordship then took up what was said about the Dutch business, and appealed to the House whether that had not already undergone thorough investigation. He said, as to the views of France, they were certainly for years past intirely swallowed up in different schemes to ruin this country; and as their league with America was that Congress should assist them in taking our West-India islands, it would be flying in the face of common sense and common safety to put it in the power of the rebels to fulfil their engagements.

The present, his Lordship observed, was not the time for dependency; on the contrary, it called for exertion and ardour. When he returned home from his long, but honourable banishment, (his embassy at the court of France) he found his country engaged in a most dangerous war. He then said what he would now confirm, that he thought Great-Britain fighting for her all; nay, for her very existence as a sovereign state. It was not a war of choice, as had been hinted by a noble Lord who spoke lately; it was a war of necessity. Would any noble Lord, who heard
him

him, with the House to tell all Europe that their Lordships could no longer co-operate with their Sovereign, for the preservation, or indeed salvation of the state?

As to the measure so frequently mentioned within and without that House, of with-drawing the troops from America, it was in his apprehension impracticable. The Americans, as he observed frequently, were bound by secret treaties, and unless their Lordships were contented to render up into their hands Canada, New-York, Halifax, and our fisheries, they would vote for the Address; and in all probability the mischief would not stop here; but the British West-India Islands would soon follow, and form in future part of the French empire in the western world.

His Lordship commented shortly on the nature and tendency of the amendment, and concluded with a few observations on the sudden favourable turn of our affairs in the East-Indies.

Duke of
Grafton.

The Duke of *Grafton* entered into a comparative state of the nation with what it was even at the breaking out of the war with France. He pointed out the vast sums which had been borrowed, for the payment of which every single acre of land in Great-Britain stood mortgaged in perpetuity, or until the principal was refunded; but what was a much more melancholy consideration, the toil, labour, and industry of the lower orders of the people were necessarily responsible, and for the payment of the interest of which they must contribute out of their daily earnings and the sweat of their brow. He said the present Address called for no commentary, it carried its import on the very face of it; nor could be explained away on one side, or more fully confirmed on the other; it meant precisely this: A continuation of the American war, upon the same system, to be conducted by the same men.

The amendment proposed by his noble friend gave him great satisfaction, which was farther heightened by the proposition of the noble Duke, to introduce it at the end of the first, instead of the second, paragraph. Had the second paragraph stood in the proposed amended Address, he must confess he should not rest so well contented, though he should accept of it with joy, in preference to the Address originally moved. Such being the obvious meaning of the communication made that day from the Throne, and of those who wished to approve of and adopt the contents, it was evident, that the present measures were exactly the same

same with those which we had been pursuing for the last seven years, and which, it was needless to observe, had brought us into the present perilous and calamitous situation. The same men were to direct our councils; they were to be the devisers and executors of those pernicious futile schemes of subjugation and ideal dominion, by which they were enabled all along to mislead their infatuated fellow-subjects. He would not compare the probability of success during the next campaign with those of 1776, 1777, &c. down to the day Lord Cornwallis was captured at Yorktown; but he would put this question fairly and distinctly to the most zealous supporter of the present measures, whether, in his conscience, he believed there was so good a prospect of making a successful campaign on the continent of America in the year 1782 as in any one of the years he had mentioned; though it were to be singled out as that which held forth the most unfavourable prospect.

If this argument was unanswerable, he would submit to their Lordships, whether we would not court ruin, or rather insure it, if we should, under the circumstances described, adopt the Address. His noble friend's amendment might effect a great deal;—their Lordships might have time to consider, and by inquiry and investigation, approach to a closer view of our real situation. They might digest wholesome advice, and suggest more moderate, yet more effective measures. They might be able to distinguish and separate the impracticable from the expedient, and in the end, strike out an uniformity of system, and a combination of all the leading parts which must form this vast political, professional, and official machine, so as in the end to be able to meet in this respect, as well as others, our enemies upon equal terms.

The original blunder, and the source of all our subsequent misfortunes, arose merely from the obstinacy of Administration towards the conclusion of the year 1775.

Though two warm rencounters had taken place in New England, nothing more had been contended for by the people of America than an exclusive right to tax themselves. The people were in other respects firmly attached by sentiment and interest to the British government. Mr. Penn, who had lately presided as governor of Pennsylvania, was called to that bar, and underwent a very long examination, the result of which was, that the people of America, from one end to the other, as far as he could learn, and he

had his information from the Congress Delegates, at the time assembled at Philadelphia, where he was actually informed by his own knowledge that ninety thousand and a large fraction out of an hundred were eager to settle matters amicably with Great Britain, provided they had full satisfaction upon the point of taxation: Indeed he might add, that he never heard of but two in all America who entertained a different opinion, and one of those was a madman, and the other an idiot.

Ministers treated this important information with disregard, and proceeded to the enacting prohibitive and prohibitory laws, which gave us the American vote of independence the following August, and a treaty with France in about eighteen months after.

He thought proper, now he was up, to be as explicit as possible with ministers; and to give it as his opinion, that no measures, however well conceived or digested, could succeed in their hands.—Men must be changed as well as measures.

His Grace touched lightly upon a great variety of miscellaneous matter, and sat down with testifying his hearty approbation of the amendment moved by his noble friend.

Lord
Grosvenor.

Lord *Grosvenor*. I love my king, I love the constitution of my country, and feel it to be my indispensable duty to both to agree with the amendment proposed by the noble Lord. This country never was in a more awful situation than it is at present; nor in one that requires so much the dispassionate, the humble, the dutiful, yet firm opinions of the great hereditary council of the nation, to be laid at the foot of the throne.

The Earl of
Hillsborough

Earl of *Hillsborough* said, he hoped that the independence of America would never be admitted in that House, nor that a majority of their Lordships would consent to a measure which, if it should be adopted, must prove the ruin of this country. This, he trusted, was the united sense of a considerable majority of that House, and he hoped he should never live to see the day when a contrary opinion should prevail. America lost, or abandoned every thing valuable which we possessed as a great trading and maritime nation must shortly follow.

Were noble Lords ready to say, make a separate peace with America? Was that practicable? It would be to the last degree absurd to suppose it so even for a minute. Were noble Lords prepared to humiliate themselves, and beg for
peace

peace from France? He was confident no true Englishman would so far degrade his character, or forfeit the qualities which were known to constitute it, as to submit to so disgraceful, base, and pusillanimous a conduct.

Was it to be a defensive war, or an offensive one? He believed no man had so far made up his mind as to venture to give his opinion one way or the other. What then was to be done, under such a variety of difficulties, where nothing could with propriety be decided upon without manifest danger or more manifest absurdity? In his opinion, the Address moved by the noble Lord early in the day, obviated for the present all those difficulties. It promised support to the Crown in the warmest terms of zeal and fidelity, avoided any specification of measures whatever, and left parliament at full liberty hereafter to interpose and offer its humble advice if they should deem the same necessary. In this sense he understood the Address, and under our present circumstances he could not perceive how it was possible to act with greater prudence or wisdom.

His Lordship observed, that the favourable turn our affairs had taken in the East-Indies had been treated with an air of ridicule, both on account of their supposed insignificance, and the presumed merit which had been taken in the Speech on that account. He begged leave to differ from those noble lords on both those points; and concluded that their error had originated in misconception — the truth being simply this, that our affairs in that country wore the most unpromising appearance. General Baillie and four thousand of our veteran troops had been cut to pieces or captured by Hyder Ally. Sir Hector Monro was obliged to make a precipitate retreat to Madras, and the whole Carnatic had been laid waste by the enemy: but by the latest and most authentic accounts from that country, Sir Eyre Coote was at the head of a numerous, well-disciplined army, and Col. Carnac had given Hyder Ally a most complete defeat, killing eight thousand of his men, which signal victory had been followed by many important advantages. This was the contrasted state of that country at two periods not very far distant; and if as yet there were no accounts from thence sufficient to balance our disasters in the western part of the globe, he must repeat again, that in his opinion the turn our affairs had taken in the East-Indies was a circumstance of considerable national importance and good fortune.

Lord
Camden.

Lord *Camden* said, when he attended in his place, he really did not mean to rise that day to give his sentiments; — but there was something so novel, and he might add to extraordinary in the language of ministers, and the other noble Lords who supported the motion for an Address, that he found himself in such a predicament, that he could not content himself with giving a silent vote. There was nothing, in his apprehension, ambiguous in the Address proposed, but there was something dark, lurking, and concealed under it. The substance was not altered, but the arrangement and language was; for the noble Lords in responsible situations, who spoke, held a kind of double language. The Speech and Address, said they, do not contain a syllable relative to the American war; but in the next sentence they present the House with a series of reasons and arguments to demonstrate the necessity of prosecuting it; so that to do them justice, though he could perceive the war lurking in the Speech, two noble Lords in high office, who spoke lately, illuminated the subject on one side, if they endeavoured to render it obscure on the other.

c In what light then was he to consider the Speech? Most certainly as that of the minister and his colleagues in office. Who then were we to look to for the execution as well as planning of future measures? The very same persons who had directed the affairs of this country for the last seven years. This Speech came from the very same shop, and was forged by the very same men, who had hitherto deceived and disgraced us. Were they fit to be longer trusted, and and the usual confidence placed in them? — If there was a noble Lord who would rise and say so, he would sit down contented.

The men who have had the direction of public affairs most clearly proved themselves incapable of the task. They acted weakly and injudiciously from the beginning, and never in a single instance conceived what was the great object of the contest they were engaged in. When the war first broke out in America they wanted system, and were totally destitute of plan or combination. They sent out their troops in single regiments, or two or three at a time, and when they arrived, they had nothing to do but to act upon the defensive, or remain with their hands across.

He mentioned these particulars, merely to shew that in the earliest and most simple stages of the business, before objects

objects multiplied and difficulties started up, that ministers, as they had since repeatedly proved themselves, were totally unequal to devise or form any plan worthy of the cabinet, or likely to succeed in the field. When he said this, he hoped it would be understood; having so often given his sentiments on the rise and progress of the American war, that he looked upon the idea to be founded in oppression, tyranny, and injustice; that it would prove impracticable in the execution; and ruinous and mischievous in the consequences. it would draw after it.

He thought it his duty, as a member of that House, called upon to give advice to his sovereign, or those who were delegated by him to carry on the business of government, insignificant as he was, and he could not be more so than he felt himself, to point out the leading errors which had so strongly conduced to bring this country into that calamitous state in which we now confessedly were, as to suggest with all possible diffidence, if at all practicable, to retrieve our past misfortunes.

The errors he alluded to were, the total neglect of our navy, which every tongue would echo was the basis of the power, strength, and security of this country; and the injudicious employment of our military force of all kinds.

We had been three years at war with America, and had the two last made some considerable naval augmentations, in order to enable us to carry on the new predatory war against the floating and other mercantile property of our then subjects in America, and for the purpose likewise of convoying troops and protecting our trading and other vessels from the American privateers. Such, he believed, was the state of our marine force, when France early in 1778 declared herself an ally to the Colonists.

But unhappily, those, whose duty it was to see that our navy was upon a real respectable footing, neglected it. In fact, our navy was suffered to go to ruin. It was not that we wanted the means, but the means were totally disregarded. Yet before he urged this argument farther, he thought it incumbent upon him to assign one reason, which, if it was not the sole cause, operated most powerfully in producing the lamented effects.

When France declared, the American war was a favourite war—it engrossed the whole attention of ministry, the Parliament, and the nation. There might be some apology, so long as we had nothing to contend with but American resistance;

sistance; but, in fact, so far as the navy was concerned that apology could not hold; for there was scarcely a man in England of any information at all, besides the regular methods taken by France, to sow the seeds of and establish a respectable, if not a formidable navy, who was ignorant that France, from the beginning of the year 1776 or earlier, was endeavouring, with all possible vigour and dispatch, to set on foot a rival marine that should within a very few years be able to cope with that of Great Britain.

But if the American war was a favourite war at the commencement, and during part of its future progress, the moment arrived when it became the height of madness and folly any longer to consider it so. The moment he alluded to was the day the French minister delivered the rescript by the directions of his court. From that instant the American war ought to have been an object of secondary consideration, and that of restoring our navy the first. And here he thought it proper not to confound the two neglects or inattentions. France had been forming plans of naval power from the very commencement of the peace, and though she proceeded slowly, she proceeded agreeably to system, while ours was totally neglected. Where ministers were most singularly to blame was, not to watch the motions, buildings, and preparations going on in the French dock-yards for the eighteen months previous to their pulling off the mask, and to take care that we had such a superiority of force as would be sufficient to keep them in awe. He solemnly protested, if this circumstance had been properly attended to, he believed France would have hardly ventured publicly to declare herself, whatever private assistance she might have given to the people of America.

But when France did declare, what was the real state of the case? To the astonishment of all Europe, France had a Western Squadron superior considerably to that of Great Britain, and detached eleven sail of the line under D'Estaing to co-operate with the Americans, in an attack upon New-York, whither the principal British army had recently retired from Philadelphia. He did not think it necessary to enter into the events of that campaign; all the use he wished to make of the facts alluded to, were to convince their Lordships, that they had been discussed and fully confirmed by the noble Earl at the head of the Admiralty himself.

He

He remembered perfectly well, that upon pressing his Lordship upon delaying the departure of the squadron under the command of Admiral Byron, in order to be time enough to counter-act the designs of d'Estaing, his Lordship's answer was, "that the cabinet debated the matter for three successive days before they could come to a decision. The question being on one side, whether it would be prudent, the French having so formidable a squadron collected at Brest, to weaken the home defence? or whether the necessity of preventing New-York from falling into the enemies hands, while it sustained a land attack from Washington, and from the sea by d'Estaing, ought to prevail? The option was at length made, and Admiral Byron was detached.

Now, if ever there was an explicit public acknowledgement made of the weakness of our naval force, and that by a First Lord of the Admiralty, surely this must be deemed so, and farther confirmed by three days cabinet consultations, in which the noble Lord frankly confessed they were never so puzzled how to act in their lives as they were on the occasion.

His Lordship having fully marked the two periods of neglect imputable to those who directed the affairs of the navy; namely, the inattention and unconcern shewn, previous to the breaking out of the American war, when it was evident that France had formed a plan for augmenting, or rather creating, a navy out of the ruins of the old; and the still more unpardonable inattention and unconcern shewn during the years 1776 and 1777, to the very eve of the rupture which soon afterwards took place. This was the great source of all our subsequent misfortunes, though perhaps they were much heightened by concurrent circumstances.

He would now resume his original argument, which was, that every other service was disregarded, or made as it were subservient to the grand object, that of the success of the American war. Even, strange to tell! after France had publicly declared herself against us, and under circumstances unknown for upwards of fourscore years; principally emboldened to do so by the consciousness of being supported by a superior marine force; which actually was the case, as he had already proved from the most unquestionable authority, the naval minister himself, with the whole cabinet.

But Ministers were infatuated, or proved themselves totally incapable; for instead of all those excitements to an alarm, on account of the increasing naval power of France, having

having induced them to make the navy the first object of their care, it was made to render up the first place to the American war. Now even at this period, late as it was, much might be done towards repairing former blunders and omissions, and much might be effected, in various respects, to do away many of those mischiefs which we then began to feel most sensibly on every side; he alluded to the interruption of our commerce, he said, and that would always be an object of importance to the British nation.

The truth was, that from the date of the French rescript being delivered to the moment he was speaking, Ministers had palpably departed from the line of wisdom and prudence. From that day the augmentation and improvement of our navy ought to have occupied our first and most anxious attention, and the war in America be treated as an object of secondary consideration. This plan, as he had more than once observed, had been exactly reversed; America occupied the first place, and our great national bulwark, the navy of England, was left to shift in a great measure for itself, or trust to time, accident, or that species of necessity which the formidable armaments of our enemies created for its principal support and protection.

No provocation was sufficient to rouse Ministers to a sense of their duty or situation; the next year gave us another formidable enemy in the person of the king of Spain; but it was all in vain. Ministers slept or acquiesced, and this country seemed to be devoted. America still claimed our whole attention. It must be conquered or subjugated at all events; and as soon as that favourite purpose should be effected, it would be time enough to annihilate, he presumed, the naval power of France and Spain. But besides the folly and absurdity, he would add the madness, of such a conduct, he would endeavour, before he proceeded farther in his argument, to shew, that independent of every other consideration, this system of making the American war the first object of public consideration actually defeated itself. What was it for instance that gave us such an advantage over the Americans but our navy, the facility of transporting troops, of sending detachments, stores, &c. but the superiority of our ships of war, and the entire command it gave us of their maritime towns, coasts, and rivers. Apply this argument to France and Spain, and it came accompanied with every possible degree of conviction. The success of the American war must depend upon our power

at sea. If our enemies should gain a superiority there our land operations must be at an end. This would have been a very natural suggestion, yet it seems it never entered into the contemplation of Ministers, but a series of facts had fully proved what they could not discover. France sent troops and ships to America, she meditated several attacks on such parts of their coasts as were possessed by Great Britain, and upon one occasion made a bold push, which for this country happily miscarried.* This France dare not have done had we watched her early, or when she pulled off the mask, had we not most unaccountably forgot, that we were a maritime power, and that our fame, consequence, and dearest and most valuable interests solely and exclusively rested upon our naval superiority. Without entering into farther particulars, it was sufficient to observe that the disastrous event, which lately happened at York-town would have never taken place, had not our marine been so unwisely and shamefully neglected.

He might indeed push this argument much farther. He might quote that precipitate and ill-adopted measure, of declaring against Holland, and in the same moment commencing hostilities against her. That rash step likewise, inadequate as our naval force was, added so much to our distress and embarrassment, because it employed a certain *quantum* of force, which, for the reasons he had been giving, proved most fatal to the interests of this country.—That very force, employed off the Texel, during the whole autumn, and he was to presume, during the ensuing winter, would have ensured us a decided superiority in the Chesapeake.

He must ever lament that rash and unadvised act, as filling to the top the measure of our misfortunes. What were the fruits we reaped from it? a drawn battle, attended with great loss and damage in men and ships, and the capture of St. Eustatius. He wished he could for ever obliterate that disgrace to Britain from his memory. In a time of profound peace between the two nations, without any preceding declaration, we seize one of the Dutch islands; but what more? we seize private property of every kind, no matter whether belonging to friend or foe, and confiscate it without reserve or remorse. It has been the language of some politicians, that necessity must on some occasions supersede justice. We will seize and confiscate, say they, because the interest of the state requires it; but, unjustifiable as this must always be, the proposition in the present instance was reversed; for, instead of seizing

* Alluding to D'Eslaign's attempt on Savannah.

for the state, and applying the million and an half, or more, which had been captured, to enable us to carry on the war with more vigour; the whole had sunk into the pockets of a few individuals; by which means, our councils of every kind had all the dishonour and disgrace, while it was plain the state did not profit a single shilling. This matter had already undergone a very full discussion in that House, as had been observed by the noble Viscount in the green ribbon. But still it made no difference in the real state of the question, farther than confirming the truth of what had been so strongly urged on the side of the House on which he had the honour on that day to sit; and he made no doubt, that scarce a month would pass away without bringing farther confirmations of the same kind against the propriety of that measure. Among the rest, besides alienating Holland from us, it was not the matter least to be lamented, that it threw her totally into the arms of France; the Dutch were now upon terms of the closest amity and friendship; and if he was well informed, the French flag was by the latest accounts from the Eastern world flying at the Dutch settlement of Ceylon, as her avowed protector against any attempts Great Britain might meditate against her dominions. It was hardly known, at least ministers seemed to be totally ignorant of it, that almost every power in Europe which had not declared against us were nevertheless in a state nearly approaching to actual hostility; we were compleatly shut out of the Baltic for any purposes of war, or any of the advantages which might result from preventing our enemies resorting thither, or encountering them when we met them there. This was not all: By the new maritime code promulged by the empress of Russia, and since acceded to by all the Northern crowns, and the principal members of the Germanic body, we were totally precluded from availing ourselves of any of the natural or acquired advantages of strength or situation. "Free bottoms, says this new code, make free goods;" and if Great Britain offers to infringe upon this maritime decree, then she may expect to be called to an account, and compelled to make satisfaction to the party aggrieved, at the risk of having the whole armed confederacy to contend with.

He would again return to the subject which principally induced him to rise, namely, to give his opinion as a member of that House, respecting the leading causes of our miscarriages, and the most probable means of restoring the conduct of our affairs to system and uniformity; to quit those fatal paths into which we had unhappily deviated, and by prudent

prudent sound councils endeavour once more to gain the right road. This was not, in his opinion, to be effected, if we should determine to continue to prosecute the American war in any other manner, but adopting a direct contrary conduct to that which we had hitherto fatally pursued. His advice would be founded upon what he had so often alluded to in the debate; namely, if the American war must be prosecuted, to render it the under object, and bestow all possible attention to our navy, in order to restore its pristine respect, effective strength, and wonted superiority. Though his expectations were not very sanguine, he did not entirely despond. Though late, it was a trial in his mind worth making, and if it should fail, we must submit to Providence. Be the event what it may, he thought it his duty to give his opinion upon so awful and momentous an occasion; and hoped, if ministers should decline to adopt any advice he suggested, they would at least profit by some of the observations he had made, which he flattered himself would not be controverted by a single noble Lord on either side of the House.

His Lordship said, he could not sit down without making a few remarks upon what he mentioned early in his speech, that if our navy was neglected, and the preference had been unwisely given to the American war, the force we had was injudiciously disposed, and ineffectually employed. Every thing was done or known too late, and our squadrons arrived generally at the places of their destination just after the enemy had effected their purpose, and a few days after they had departed. This was exactly the case relative to Dominica, The Grenades, St. Vincent's, and lastly Tobago. Our ministers, staggered and amazed, stood as it were motionless or senseless, with their hands across; they fought not, nor could procure information; they suspected, that something was going on, and when it was too late sent out a force to counteract it, precisely time enough to enable the commander on his arrival to furnish a dispatch for the London Gazette, giving an account of the disaster, and how extremely unlucky it was, that he did not arrive a week, a fortnight, or a month sooner.

It was needless to take a retrospective view of former campaigns, the present furnished the most striking examples. Mr. Du Barras thought fit to endeavour to interrupt the operations in the Chesapeake. Admiral Arbuthnot apprized of this pursued him thither; an engagement ensued, and as usual a kind of drawn battle. Well, the next ac-

count was, that Admiral Hood being cruising with eighteen ships of the line off Martinico, met De Grasse with a force considerably superior; a battle was the consequence; the combatants parted by consent, and both returned into port. The next account received was, that the enemy were landed at Tobago, that the commander in chief [Sir Geo. Rodney] having put himself at the head of his squadron, as a preliminary caution, sends his rear-admiral with four or six ships of the line to learn what the enemy were about, with troops on board for the relief of the island, in case it should not be taken. The rear-admiral has scarcely cleared the land, when he descries an enemy, consisting of twenty-five ships of the line, and adds, that he was informed the island had been obliged to surrender a day or two before, which melancholy tidings were brought by some of Sir George's *light frigates*. Well, the commander in chief, determined to be *more* minutely informed in *person*, proceeds to sea, and gets in *sight* of the enemy; they mutually offer each other battle, and *mutually decline* it, and at length part, without coming to blows.

Upon this plain state of facts, collected from the London Gazette, and which no man could pretend to contradict, he appealed to their Lordships, whether any thing like it had happened in any other nation, from the beginning of the world to that day? The truth was, that scarce any thing was done in time, and when it was attempted, the instructions were such, that no person knew how to carry them into execution. Assertions in debate in behalf of government, when cabinet ministers were present, and when those assertions were not acknowledged or confirmed by noble Lords in office, were not much attended to. It was easy to impute blame to officers absent, and at a great distance; but the fact was, that our naval force was inadequate to the services marked out for it; otherwise, not one of the rencounters and drawn battles he had been describing would have ever taken place. If we had had nearly an equality, we should have compelled the French to come to closer quarters, which was by no means their wish. De Grasse was intrusted with the execution of a most important plan, of which he never lost sight, and instead of mispending his attention, or losing a moment's sight of the great object he had in view, he waited for the proper moment, and after collecting his force failed for the Chesapeake, with twenty-eight ships of the line; a force he pretty well foresaw, when joined by Du Baras, that would ensure a decided superiority. He did not pretend to give opinions on the conduct of professional men, but without

without entering beyond his depth, he thought he might affirm with confidence, that all the disasters of the last campaign in the West Indies and North America solely arose from the shameful, he might add the criminal, inferiority of our naval force.

His Lordship, in the course of his speech, mentioned another fatal error in the conduct of the war, so far as our foreign enemies were concerned; that was making a defensive, instead of an offensive war, by which means we threw the choice of attack into the hands of our enemies, and divided and subdivided our force so as not to have an efficient defence any where, not knowing where the storm might fall.

Contrast this with the measures adopted by those who conducted the late glorious war. There we kept the choice of attack to ourselves; we confounded our enemies, they knew not where or how to defend themselves, panic and despair soon succeeded confusion, till at length we proved victorious on every side. He protested in his conscience, that he most sincerely believed, had a similar plan been pursued, during the present war, first taking care to put our navy upon a respectable footing, the event would have been the same. Had we attacked Martinico, Guadaloupe, St. Domingo, or any of the principal sugar-colonies belonging to the enemy, we should have succeeded, and wrested out of their hands the only valuable trade they possess, and should soon have made them heartily tired of the war. His Lordship, after several observations of the same purport and tendency, and pointing out the propriety of the amendment moved by his noble friend, and the necessity of agreeing to it, said it met with his entire and perfect approbation.

The Lord
Chancellor.

The *Lord Chancellor* acknowledged the very great abilities of the noble and learned lord who spoke last. He affirmed, to the best of his judgement, that he never heard a more able discourse delivered within those walls: the premises were openly and clearly stated, and the deductions followed without constraint or forced colouring. He trusted the noble Lord would receive these as his real sentiments, for he was not at any time much disposed to travel out of the business before the House, for the purpose of keeping up the trivial forms of debate, much less of paying particular personal compliments to any man.

When he thus freely declared himself, he spoke under reservation respecting the subject matter of the noble Lord's speech, as applying to the question now depending before
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the House. As to the application, he found himself under an absolute necessity of differing from the noble Lord. The proper question on which their Lordships were called upon to deliberate was not, whether this or that measure ought to have had the preference to another, but simply, whether their lordships were resolved to adhere to the established form of parliamentary proceedings at so awful, and he might add without a figure, so tremendous a moment; or were determined to depart from them, and tell their sovereign, that they would not consent or adopt any measures of defence whatever till after they had digested the state of public affairs, and as the final result, till they should have it in their power to give the Crown advice respecting its conduct in future, relative to the government of the realm.

Now, in his apprehension, such a conduct at any time would have been extremely improper, but at so critical a period as the present, it appeared to him doubly so. Communications from the Throne to the people assembled in Parliament were coeval with the constitution itself, and the answers from subjects to their sovereigns equally ancient and uniform. It was a matter of course, previous to the dispatch of business. The king communicated his reasons for assembling his subjects in Parliament, and they never failed to return such answers as were suited to the communications made, and in a style agreeable to parliamentary usage. This he always understood, ever since he knew any thing of Parliament either by reading or experience, to be the regular mode adopted and universally adhered to. If he was wrong, he made no doubt but some noble Lord, more conversant in the forms of Parliament, would point out to him his error, which, should that be the case, he would most cheerfully retract.

But he hoped noble Lords would permit him to endeavour to elucidate his argument, lest what he had absolutely and decisively laid down was not to be received with an exception, and to be qualified within its own proper limits. The communications he had been speaking of were general ones, such as the proposed Address. In other species of communication, the case was quite different. Specific measures recommended to Parliament called sometimes for consideration and pre-advice. If the present Address had taken notice of or approved of specific measures, most certainly the amendment moved by the noble Lord would have been well supported, because in that event the communication from the

the Throne, would be inviting public discussion, and it would most certainly be every one of their Lordships duty, to give their sovereign their advice upon so truly important an occasion. Was that the case here? if it was, he protested he was so dull as not to be able to perceive it.

The speech from the Throne was totally confined to generals; it recommended no measure of any kind whatever, nor even hinted at any that he could perceive; and, as the best criterion of its direct and substantial meaning, he affirmed, that there was not a noble Lord in his opinion, who might vote for the address as first moved, that was bound to give his countenance or support, or pledged himself directly or indirectly to vote for a single measure which might hereafter be engrafted upon it.

Having given several explanatory observations, and enforced this argument, by presenting it in a variety of shapes, his Lordship proceeded to speak to several other points. Though the arguments had been pretty strong on one side, and had in part been confirmed by two noble Lords in high office [Stormont and Hillsborough] that the amendment moved by the noble Lord amounted to a renunciation of the American war, and a declaration of American independence, he must ingenuously confess he could not see it in that light. On the contrary, it recommended or pointed out no measure of any kind. It was equally silent with the speech in that respect, and could not, in his apprehension, be considered in the light in which he had frequently heard it treated in the course of the debate. Yet though he was willing to give the amendment all the merit it was intitled to, as far as he was able to judge, he by no means approved of it, as he had in part explained when he first rose, because it struck him as a manifest violation of the established mode of conducting the business of Parliament, when communications were made from the Throne respecting great and weighty matters, in which the dearest interests and most important concerns of the nation were concerned. But this was not the sole objection he had to the amendment. It was proposed by the noble Lord to omit almost the whole of the Address, by introducing at the end of the second paragraph a passage or engagement to consider of the present state of affairs, and farther, after inquiry, it might be fairly presumed, that their Lordships would, according to the lights and information they should acquire, digest the result of their researches, and present the same to his Majesty, accompanied with

with such advice as might strike them to be most wise and salutary for the purpose of obviating our present difficulties, and of devising such a system of measures as should promise to be the means of restoring our affairs, so as to enable us in the end to bring about a secure and honourable peace. He did not presume to give this as the words of the amendment, nor undertake to say, that this was exactly the intention of the noble mover; but without torturing the sense, he was ready to appeal to the noble Lord himself, and those other noble Lords who supported the amendment, whether this was not the general sense in which they would wish to have it accepted?

In this sense then, he had very great and strong objections to the amendment, which would go exactly to this: It is true, that a recent calamity of a very disagreeable nature has happened. "It is true, that we are surrounded by an host of powerful and formidable adversaries, and that the moment is truly awful and tremendous." So far he believed, every noble Lord who approved of the amendment would agree with him; but then, what does it propose as a remedy, suited to the magnitude and extent of the evil? that all means of defence, preparation, or offence, should be suspended; that their Lordships would then proceed to inquire; that next, they would digest whatever they might learn; and lastly, as the result of the whole, that they would give his Majesty such counsel and advice as would be most probable to answer the ends of such an inquiry and investigation.

He could not say, that this was a proposition, nakedly considered, he could ever agree to, though it were totally uncombined or unconnected with any other matter; besides, as he had frequently observed, for besides amounting to a negative to the Address, it was in fact a negative to all means of defence whatever; it proposed to suspend all measures, deliberative or executive, till after their Lordships should digest their thoughts, and give their advice to their sovereign. Now, without entering very deeply into the subject at so late an hour, two difficulties very sensibly struck him, which must in his apprehension be unavoidable if the amendment were agreed to. The first, that their lordships would proceed in a committee, and when the object of their inquiry was at an end, of course report to the House. How far this mode of proceeding was agreeable to the necessary ingredients of secrecy and dispatch, he would not pretend to say; but, for

for his part it appeared to him the very reverse of both. The other objection, which would prove equally fatal, was liable to precisely the same objection; for when the House had agreed with their committee, and the result of the whole was to be presented to his Majesty, the same inconvenience must follow. His Majesty would be advised, probably very wisely, he entertained not the most distant shadow of doubt, very faithfully advised; but then, if they were counsels of execution, would not such an advice to the Crown, if it was expected to be adopted by Government, be attended with the most enormous mischief? no less than informing the whole world, and of course our very enemies, of what we intended to do, and thereby cut up by the roots the only means that ever was yet thought of secure to success, that of concealing from our enemies all our plans and designs.

He did not pretend to argue the case seriously and positively to this extent, but he appealed to noble Lords, whether for aught that appeared to the contrary, the amendment did not fairly bear him out in the argument he had raised upon it. Informed therefore as he was, he must continue to consider it in that light, which with the reasons already assigned in the course of his speech, induced him to give his hearty negative to the amendment, and once more to express his full approbation to the address in the terms first moved. His Grace at the opening of his speech spoke with much candour and great understanding, and seemed as if he wished for a coalition of honest men, directing his discourse at the same time to the Lord Chancellor, previous to his re-considering the question then before the House.

The Duke of *Richmond* said, there were some things which fell from the noble and learned Lord who spoke last, that afforded him great satisfaction, the result of which in the first instance, as it struck him, was that agreeing with the proposed Address, was but a mere matter of form, it was substantially so in every respect. It was a matter of form, the noble and learned Lord observed, to treat all communications from the Throne in this manner; it was customary to do so, when the matter communicated referred only to generals; and the present communication having been confined solely to generals, brought it strictly within the rule; nay, the learned Lord pushed this argument much farther, for his Lordship affirmed more than once in the course of his speech, that approving of measures, such as had been generally described in the Address, neither di-

rectly nor impliedly bound any noble Lord who should vote for it to a single specific measure, or proposition which may hereafter be deemed proper or expedient, by those who shall be employed in conducting the affairs of Government.

His Grace observed, that after the repeated attempts which had been made to subjugate America, it would be folly in the extreme to persist longer in so fruitless an undertaking. It appeared to him at all times impracticable, and he repeated his reasons frequently in that House why he thought so; it would therefore be very unnecessary now to tread over the same ground; but without having a retrospect to former transactions, farther than it might be necessary to elucidate the passing scene, he begged their Lordships attention for a few minutes. It was very improbable that any person of experience and knowledge, be his zeal ever so fervent, could expect to succeed by any farther attempts upon America by land; that once granted, and he believed he should hear no man seriously dispute it, the question was simplified and brought within a very narrow compass. Is the friendship and good will of America essentially necessary to the existence of this country as a great naval and commercial nation? Do our possessions and dependencies in that part of North America still remaining in our hands, our West-India islands, &c. depend upon a renewal of a connexion with America of one kind or other? As he said before, he believed there was not an intelligent man in that House, or out of it, who believed that this connexion or reunion could be effected by force of arms. If that was the case, then it could only be effected by conciliatory means. How were these most probable to succeed, so as to essentially promote the government of Parliament and the nation were presumed to have in view!

For his part, he thought, by immediately withdrawing our troops from that country and employing them against our foreign enemies, where only they could be of any service, would be every way the wisest measure. This was not a novel opinion of his, he had often expressed himself to that purport in that House on the subject. If it appeared to him at those several periods a wise and salutary measure, the events of the last campaign fully confirmed him that he was right, and every reason which operated then, rushed now on his mind with redoubled force, and flashed the fullest conviction on his mind, not merely of the expediency, but the absolute necessity of adopting it. The withdrawing of the troops at the time first proposed, was recommended in order

der to remove the apprehensions of the people, no matter whether well or ill founded, that Great-Britain intended to enslave them. It was farther designed to promote another purpose, that of letting the passions of men cool and civil animosities subside, so as to learn the real intentions and views of the people, when they should be left to their own guidance; — when the fire of faction and party should be quenched, and men came seriously to consider and determine, free from the terrors of force or the operations of prejudice, what was most likely to conduce to their own interest and secure the free enjoyment of their privileges and property in future. This he presumed, were the leading motives which suggested the necessity of withdrawing the troops in the early stages of this business, to a noble Earl since deceased, [Chatham,] and he should ever continue to think they were founded in prudence and sound policy.

Attend to the situation of affairs as they stood at present. America was aided by a powerful foreign ally, the troops of that ally were now fighting her battles, and assisted in the capture of a British army with their noble and gallant commander; if then it was determined to send out a powerful land force in order to retrieve our sinking affairs in that country, what would be the probable consequence? but that the people of America finding themselves threatened with a formidable army; would naturally look for protection to their foreign allies, who had recently so successfully and seasonably assisted them, which would serve to cement and strengthen their former connexion, and remove at a still greater distance any prospect of amity or reconciliation with the mother-country; while on the other hand, if the British troops were withdrawn, those of France would become useless, and the grand motive and confidence between America and our foreign enemies be gradually weakened. All apprehensions from what they deemed an enraged and unrelenting foe being at an end, and no farther necessity of course of foreign assistance, the people of that country, agreeably to their disposition, and even prejudices, would probably return to habits of friendship and mutual good will. It was natural, and such predilections, when nothing of importance or hazard stood in the way to indulge them, would soon begin to prevail, and that most powerfully too. Men professing a different religion, educated in different principles, speaking a different language: Aliens in blood, and strangers in connexion or affection, would soon discover numerous reasons for being

dissatisfied with each other, while notwithstanding the signal provocations given by the parent state, the Colonies would find nature, sentiment, and innate partiality pulling the other way. They would recollect at the instant that they complained of their brethren in Europe, that they were nevertheless their brethren, and it might not be stretching probabilities too far to presume that they would, when they had nothing immediately to apprehend on their own account, never suffer, much less contribute, to assist France in treading out of independent existence, her own indulgent, though latterly cruel, and unkind parent.

He doubted much, whether in good policy, putting affection or compassion out of the question, they ought to stand by, while one power was augmenting its own strength and greatness on the ruin of another, particularly when that power had been hitherto a powerful rival and competitor, not only to Great Britain, and at different periods a terror to Europe, but at least in one instance to America herself. So soon as the competitor was fallen or reduced, the strength of both would in a great measure be concentrated in one, and it would always be an object of policy in the weaker states to exert themselves to the utmost of their abilities in preventing any one from becoming too formidable.

This however was a matter of mere speculation, the other was not, but well worthy of their Lordships most serious consideration and attention. All apprehensions ceasing, as he observed before, the grounds, and he would affirm the only solid grounds of union between America and France would instantly crumble to pieces. The people of the colonies would once more become Englishmen, and France, that ambitious power, be for ever cut off from any connexion with them. By the withdrawing of the troops therefore he would venture to foretel, that the most signal benefits might be derived to this country, while he was persuaded a prosecution of the same measures by the same men, which were at once the disgrace and bane of the nation, must inevitably end in its ruin. Before he concluded this part of his subject he would beg leave to observe, that there was an additional reason, which in his mind, would operate more powerfully towards the impracticability of the American war, than even the recent loss of an army, and that was the tenth article of the capitulation made between Lord Cornwallis, General Washington, and the other officers who were parties to it. In his Lordship's propositions to the commander in chief of the enemies forces, he desired that

that all the Americans, whether carrying arms or not, might be included in the capitulation. The answer was in the negative, observing, that the disposition of the persons so described, was exclusively within the cognizance and disposition of the civil power; he would not say that this was an authentic paper to be relied on, but so the article stood in the French Gazette, which contained an account of the disaster, and which he believed, on the present occasion, was deemed to be tolerably authentic. If this circumstance should hereafter come confirmed, he thought it would be presumption, as well as the height of folly, to suppose or expect that after first inviting these poor deluded men to repair to the royal standard for safety and protection, and to assist in vindicating their rights, they should from under that very standard, when the commander found a convenience in it, be sacrificed and abandoned without remorse to all the rage and revenge of civil malice and merciless retaliation.

Some noble Lords in debate, and more than one in high office, had insinuated or directly asserted, that the friends of the amendment were for declaring America independent, for ignominiously humbling ourselves to our natural and inveterate enemies; or for at once surrendering, without a struggle, every thing which an Englishman ought to hold dear, the maritime power, the commercial advantages, and transmarine possessions of this country. He confessed himself totally at a loss to discover or recollect a single expression sufficient to justify such loose indiscriminate charges. He affirmed, with confidence, that nothing like it had escaped his lips, and he thought, without running any great hazard, he might answer with equal confidence for every noble Lord who supported the amendment. If it had been ever proper to declare America independent, he was persuaded this was not the time; and as for sacrificing the trade and commerce of this country, its only real source of power and greatness, and with it abandoning our transmarine dominions in the western world, he could say, without the dread of contradiction, that there was not a single person that heard him, who would be farther from acceding to any one of these propositions which had been imputed to him than himself, and that for the most forcible of all possible reasons, because, deprived of our trade, commerce, and distant possessions, we must of course become an undone nation.

Nay, so far was he from giving extraneous, desultory opinions upon the present state of public affairs, that he could not in another instance, (but that he presumed to suggest)

suggest) hazard a single opinion; our affairs were wound up to such a pitch, such a variety of obstacles and difficulties started up and multiplied on every side, that if he was in office, he should find himself under such circumstances of embarrassment as to be at a total loss how to act or what to advise. It was a public misfortune, and therefore whatever the consequences might be they must for the present be submitted to.

His Grace was very full to several other points, and enforced his arguments when he first rose, respecting an equal and a full representation of the people in Parliament, and the bringing back the constitution to its first principles; the restoration of Parliaments to their ancient use, dignity, and respect, and the establishing the government on its true basis, the mutual support, co-operation, and confidence of every rank and description of men in the state. He added, that he could not sit down without repeating that the Address, as moved by the noble Lord, breathed, as it was natural, nothing but war; and he was sorry to clearly discover it was an American war. He made some observations respecting the preference given to the land forces over our navy, and concluded with affirming, that from the day the sword was first drawn to that moment, the conduct of ministers presented nothing but a regular series of blunders, omissions, and criminal neglects.

The Lord Chancellor.

The Lord Chancellor rose to explain some passages in his first speech, which had been commented on by the noble Duke, but as his Lordship said little more than re-wording two or three expressions, which he presumed the noble Duke had misapprehended, it would be needless to repeat them. His Lordship declared, he had not in the least changed his mind, for whatever measures ministers might have in contemplation, he thought it impossible for their Lordships, without wantonly departing from the established usage of Parliament, to refuse their assent to the Address as originally moved.

P R O T E S T.

It was proposed to leave out, after the second paragraph of the motion for an Address, the remaining part of the motion, and to insert:

“And we will, without delay, apply ourselves with united hearts, to propose and digest such counsel to be laid at his royal feet, as may excite the efforts, point the arms, and command the confidence of all his subjects.”

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The question was put thereupon; it was resolved in the negative. — Contents 31; not contents 65; proxies 10. Then the question was put, that the motion, as first proposed, do stand part of the question. — It was resolved in the affirmative.

Dissentient.

For reasons too often urged in vain for these last seven years, against the ruinous prosecution, of the American war, carrying on by his Majesty's Ministers against the people of North-America, and too fatally confirmed by repeated experience, and the late disgraceful loss of a second army, to stand in need of repetition.

RICHMOND,
FITZWILLIAM,
ROCKINGHAM.

November 28.

The *Lord Chamberlain* informed the House, that pursuant to their order of the preceding day, the Peers, with white staves, had waited on his Majesty, humbly to know his pleasure when he would be attended by this House, with their Address of thanks, for his most gracious speech from the throne.

The Lord
Chamber-
lain.

The King having appointed this day at two o'clock, at St. James's, the House, attended by their Speaker, waited on his Majesty with the following Address:

The humble Address of the right honourable the lords spiritual and temporal in Parliament assembled.

“ *Most gracious sovereign,*

“ We, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal in Parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious speech from the throne.

“ It is with equal concern and indignation, that we see the war prolonged by that restless ambition which first excited your Majesty's enemies to commence it, and which still continues to disappoint your Majesty's earnest desire and diligent exertion to restore the public tranquillity.

“ We acknowledge, with the sincerest and warmest gratitude, your Majesty's wisdom and constant attention to the real welfare of your people; equally conspicuous in your earnest desire of peace, and in your fixed and unalterable resolution, never to sacrifice, either to that desire, or to the temporary ease and relief of your subjects, those essential rights
and

and permanent interests, upon the maintenance and preservation of which the future strength and security of this country must ever principally depend.

“ We feel great satisfaction in the favourable appearance of our affairs in the East-Indies, and the safe and prosperous arrival of the numerous commercial fleets of these kingdoms; but we regret, that in the course of this year your Majesty’s assiduous endeavours to guard the extensive dominions of your Crown, have not been attended with success equal to the justice and uprightness of your Majesty’s views; and we lament that the events of war have been so unfortunate to your Majesty’s arms in Virginia.

“ We are gratefully sensible of the parental solicitude your Majesty has shewn for the general happiness of your people, in the endeavours your Majesty has used to extinguish that spirit of rebellion which our enemies have found means to foment and maintain in the colonies; and to restore to your deluded subjects in America, that happy and prosperous condition which they formerly derived from a due obedience to the laws; and we beg leave to assure your Majesty of our firm concurrence and assistance to frustrate the designs of our enemies, equally prejudicial to the real interests of America and to those of Great-Britain.

“ We will, without loss of time, resume the deliberations upon the state and condition of the British possessions and revenues in the East-Indies; will carry it on with the same spirit and temper in which it was begun, and proceed with the same attention and anxiety to consider how those remote provinces may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted.

“ Firmly resolved to decline no difficulty or hazard in the defence of our country, and for the preservation of its essential rights and interests, we shall continue to give our most hearty concurrence and support in prosecution of the great and important contest in which we are engaged.

“ We rely upon the protection of divine Providence in so just a cause, and fully trust, that by the concurrence and support which we shall most cheerfully give, by the valour of your Majesty’s fleets and armies, and by the vigorous, animated, and united exertions of the faculties and resources of your people, your Majesty will be enabled to disappoint the ambitious designs of your enemies, and to restore the

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the blessing of a safe and honourable peace to all your dominions."

His Majesty's Answer.

" My Lords,

" I thank you for this very dutiful and affectionate Address. The assurances of your chearful concurrence and support in the prosecution of the great and important contest in which we are engaged, give me the highest satisfaction, and must have the most salutary effects. It shall be my constant endeavour to make the best use of this support for the attainment of the sole end, which I have ever in view, a safe and honourable peace."

The House adjourned to the following Wednesday.

December 5.

Private business; no debate. Adjourned to Monday.

December 10.

Heard counsel on an appeal from the Court of Session in Scotland. No debate; adjourned till Friday.

December 14.

Private business; no debate. Adjourned to December 17.

December 17.

Prayers being over an engrossed bill from the Commons, intitled, An Act for apprehending and detaining Persons guilty of High Treason in America, for Piracy on the high-seas, and for other Offences therein stated. Said bill, as the order of the day, was read a second time; committed, and ordered to be reported the next day.

Land and malt bills presented, read a first time, and ordered to be read a second time. Adjourned.

December 18.

Read a second time the land and malt bills, went into a committee, reported the same immediately, and ordered said bills to be read a third time to-morrow morning. Adjourned.

December 19.

The House did not assemble till half past three o'clock, though several Lords had been waiting for some time, and appeared to be out of all patience.

As soon as prayers were over, the order of the day was moved for the third reading of the Land and Malt bills, previous to which the Marquis of Rockingham intimated something to the Woolfack, which was conveyed to the several noble Lords about the table, at that time about nine in number.

The Lord Chancellor then proceeded to put the question, that this bill be now read a third time, which called up

Marquis of
Rockingham.

The *Marquis of Rockingham*, who said, that he came that day to the House without consulting any person whatever, and in a thorough persuasion that he should probably not meet with a single person who would unite in opinion with him; but he was neither to be deterred from a faithful discharge of his duty by superior numbers, nor disheartened by a thin attendance of his friends; though all circumstances considered, he could not call it a thin attendance, where there was not the most distant prospect of any attendance at all being necessary; for it was an accident, he must fairly confess, which delayed him in town, and a recent accident, or public misfortune, which probably directed his steps down to that House that day.

He then entered into a concise, yet comprehensive state of the nation, the enormous burdens, fall of rents, decreased value of lands, and encreasing poor's-rates; but these were nothing, when compared with the various calamities which accompanied them. The pride, the spirit, the perseverance, the unconquerable resolution of Englishmen were able to surmount those difficulties, and to feel them as light and trifling, while the means they were wont to have recourse to were at hand, obedient to their call. The trade and commerce of Great-Britain was unbounded, and was limited by no other impediment but what terminated the ocean, nay the globe itself. But, was that the case now? Was she that great, that powerful, that honoured and revered nation? No; if he had undertaken, and had had the ability to perform the task of drawing a strong reverse of every feature he had been endeavouring to delineate of Britain in the year 1781, compared with Britain in the year 1763, and several years subsequent to that period, she would be found, alas! the ruined, deserted, despised, debilitated Britain, the prey of her foes, and the contempt of the surrounding nations. Where was her commerce? It was carried on by chance and stealth. Where were her fleets? She had none, or whenever they appeared they fought

fought safety in retreat, and served only to add fresh laurels to our enemies. Where were her armies? Captured, or more than one half of them existing upon paper, on the table of the House of Commons: but he was disgusted and mortified by contemplating the picture; nor should he now have troubled their Lordships upon to beat a subject, had not the British flag been tarnished almost in the mouth of the Channel.

Such being the general state of public affairs when the third reading of the Money-bill was announced from the woolsack, he thought it his indispensable duty to rise in his place and oppose the granting any further supplies, till the sense of that House was taken; he meant when, upon notice given to the noble members who composed that assembly, their Lordships, acquainted with the circumstances of Mr. Kempenfeldt's retreat, might judge how far it would be prudent any longer to entrust men, whose gross misconduct was every day the cause of accumulating fresh misfortunes, and laying the foundation for a succession of the same, till the doom of this devoted country should be finally pronounced. Upon this idea he should move an amendment on the order of the day, which was, "that instead of the word now," as it stood in the order, the motion should run thus: "that said bill be read a third time the first day after the recess."

Noble Lords might, perhaps, call for explanation, and desire to be informed of the particulars which he had alluded to in his speech. To any question of this kind, he had, he presumed, a satisfactory answer to give. He relied upon the authority of the Gazette for Admiral Kempenfeldt's being on his return to England, and for aught he knew, at that instant in the Channel, or arrived at Portsmouth. It was true there were no specific particulars stated, but there were enough to authorize this conclusion; that that gallant officer, after commencing an action with the enemy, found himself deceived, and in the same spirit of prudence and gallantry which led him to battle, desisted, when he perceived that there was such a superiority against him, as precluded the most distant hopes of a prosperous issue, should he have persisted in the contest.

The narrative might be comprised within a very narrow compass. The Admiralty, or Cabinet, having determined to prevent the British fleet from sailing, sent out a squadron of twelve sail of the line to effect that purpose. They went

accordingly, and soon came up with the enemy, and captured a great number of their transports, with troops on board. What next? in endeavouring to capture the rest, the enemy appeared, and both parties prepared for an engagement; indeed, it had actually commenced, but before the line of battle could be formed, so as to render the action general and decisive, what was the scene that presented itself? the whole of the enemy's squadron manœuvring, and composed of nineteen ships of the line, four of which were of one hundred and ten guns, while the first, the Royal Louis, which bore the admiral's flag, carried one hundred and twelve guns, of a weight of metal, number of men, and possessing other advantages, which would have rendered it extremely hazardous for either of our first rates to lie along-side her,

His Lordship having explained these particulars in very pointed terms, made a pause, and with a strong emphasis wished, he said, to know the source of all our misfortunes. Was it in the cabinet, or were ministers but cyphers? Why then, in God's name, change them. If not, did the fault originate in a private, documented, chosen cabinet, who employed the ostensible ones merely to carry their plans of madraets and bloody ambition into execution? It might be answered, there was no such private council. What then would become of the last possible question? Was the ruin of the nation finally resolved upon by a knot composed of three or four individuals, who, acting as a grand *momentum*, set the whole in motion? Be it so, or be it any of them, if the cause was once fairly ascertained, he made no doubt but the good sense of the people of England would prove more than a match for any such wicked, unconstitutional combination of power, however dark, intricate, and complicated; but so long as the authors and supporters of this nefarious system had the power to impose upon the people, and the knack of shifting the responsibility from one to another, it was in vain to contend, unless, by the rapidity of their desperate councils, they should draw that deserved destruction on their own heads, which justice ought to have long since inflicted upon them by the public judgment of their fellow citizens.

His Lordship proceeded with an unusual exertion of voice, and in rather a suddest overflow of eloquence, apparently arising from his feelings for his country, and its reputation, honour, and wonted power and greatness, to expatiate upon
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a great variety of particulars familiar to recent recollection; but which from that species of honest and independent energy, so characteristic of a real Englishman, he seemed to have totally altered the face of, by the various lights which he reflected upon them, and the still more various shapes in which he urged and presented them to his noble auditors. Ministers, sinking like the falling school-boy, he observed, were glad to catch at a twig, if it were only in hopes of procrastinating a fall, which, incapable and regardless of every consequence, as they had shewn themselves, they at length perceived was inevitable; as a proof of which, nothing more was necessary to be adduced than their ludicrous or rather insulting introduction of our successes in India into the Speech from the throne. He had, perhaps, through the communication of a friend, full as recent and as genuine an account of the real state of the British affairs in that quarter of the globe as the minister, or ministers who framed that passage in the Speech; and he could affirm, in the face of his Majesty's cabinet counsellors then present, (the Lord Chancellor, and the Lords Hillsborough and Stormont) and he could likewise foretel, that not one of them dare rise and contradict him; that Sir Eyre Coote acted the part of a vigilant, cautious, and in the instance alluded to, of a judicious commander, who having a force composed of some hundred thousands to contend with, had kept the enemy at bay, if he might borrow the Sportsman's phrase, and never failed to improve every opportunity to make this sort of barbarians feel at once what they had often felt before, the superior skill and discipline of the British arms. In truth, Sir Eyre Coote had no army: he had an handful of men, which he was necessitated to employ in detachments, &c. After several rational and pointed observations of a like tendency, his Lordship once more begged leave to submit his proposition to the House, and seriously recommend it to the independent Lords present, as the only means of effecting the removal of the present ministry.

Lord *Viscount Stormont* rose in reply to the last noble speaker. He said he heard the noble Marquis with pleasure upon almost every subject his Lordship thought fit to deliver his opinions. There was a polished decorum and manliness of sentiment so strongly mixed in all his Lordship's discourses, that although upon certain political subjects they did not coincide with his own, yet never failed to an impression upon his mind, sufficient to command that
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that deference which was justly due to his Lordship, as well from his friends and partizans, as those who happened to entertain different political opinions.

After adding some further polite expressions, tending the same way, he said, he did not rise to enter into a controversy with the noble Marquis about the real state of the nation; the unwise, or worse conduct of ministers; the extent of the evils which we felt, or the greater which were predicted, that would befall us. He did not rise to defend or condemn the measures or execution of the American war, or to determine how far any of his Majesty's ministers may have acted criminally or injudiciously, respecting the recent affair the noble Lord so often alluded to. These were fit subjects, perhaps, to be taken up and discussed on some future day, or separately taken into consideration; they were not now before the House; they could not; and he trusted the noble Marquis would excuse him from entering into a discussion so foreign to the question, and so unfit, in his apprehension, though no other matter was depending before the House, to be considered just on the eve of an adjournment, and in so remarkably thin a House.

The real question, if he understood it right, was merely this: Whether a bill of supply, which had unanimously passed the other House, should be read a third time; since which the noble Marquis moved an amendment, "that instead of the word *now*, should be inserted the first day after the recess." This he looked upon to all intents and purposes to amount to a direct negative, as to all the substantial ends proposed by a bill of supply; because in fact it would, if agreed to, suspend every power, and with them of course all the effective operations of government. The fleets and armies now in our ports, destined for various quarters of the world, must be locked up until this political interdiction should be taken off; for although much might be hazarded by ministers; if the nation, or the sense of it, declared by the mouth of that House, should determine that no money be granted, and consequently that none should be issued for a certain period, he was, he must fairly acknowledge, unacquainted with the man, or body of men, who would have sufficient confidence to take upon him or them the expenditure of money, the approbation or disapprobation of which would depend upon the future opinions of one or both Houses of Parliament.

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But waving, for the present, any argument merely resting on this ground, the noble Marquis he was convinced, would excuse him if he took the liberty to point out, with all possible deference and respect, what appeared to him to amount to a palpable contradiction between the motion made by his Lordship and the arguments urged by him in support of it.

The noble Marquis, among other strong, very strong accusations against ministers, charged them with supineness, with neglect, with incapability; in short, with almost every crime men in public situations could be supposed capable of committing; and as the only specific or probable means of remedying the evils they had brought on their country, said, nothing but spirit, unanimity, vigorous exertions, and the most animated attempts, could possibly retrieve our affairs. It was true, his Lordship did not promise success, but only hoped, that our affairs might be put upon a respectable footing. Yet in the very same breath or period, the noble Marquis, he begged pardon; he hoped his Lordship would excuse him, while he was in the very act of recommending and suggesting, in the most forcible and pathetic terms, the necessity of vigorous, manly, and decisive exertions; his Lordship, by his motion, was, for *suspension, pro-tempore*, at the best, all exertions whatever: in fact, he found himself under the necessity of repeating again, that he looked upon the motion more in the light of a direct negative, than a vote of suspension.

This being the plain result of the argument used by the noble Marquis, for he did not mean to misrepresent or torture his Lordship's words to a meaning calculated to answer his own particular purpose, he flattered himself the noble Lords present—no matter of what party or description, would unanimously agree with him, that it was extremely unnecessary to resort to arguments in detail, to persuade them to refuse their consent to the amendment moved on the original question so dangerous to the public welfare; at best, so hazardous in the experiment, and hitherto unsupported by any precedent since the establishment of the monarchy. His noble friend, if he might take the liberty of using that familiar appellation, would, he doubted not, from his known candour, carefully excuse him, if for these reasons, he should vote for "the order of the day," and consequently give his negative to the amendment moved by his Lordship.

The

Duke of
Chandos.

The *Duke of Chandos* rose next, and said, he perfectly agreed with every syllable the noble Marquis had urged in support of his motion, and in that full persuasion rose to second it with the most ardent wish for its success. He assured their Lordships, upon his honour, that he had no communication or concern whatever with the noble Lord. If he had, he would upon that, as well as upon every other similar occasion, deem it an honour, but the case was otherwise; he had not seen his Lordship for some days, nor had a syllable passed between them respecting public affairs.

He could not help declaring, he said, the satisfaction he felt, in these degenerate and corrupt times, to behold a nobleman attend his duty in that House, not attended with a troop of followers and partizans, encircled with friends and powerful orators, to oppose the measures of government, but silently stealing down alone to discharge his duty as a loyal subject and a faithful citizen, in order to oppose the invincible power of an host of adversaries, supported by all the strength of government, and all the advantages derived from office situation. While he thought it his duty to communicate his sentiments, respecting the public duties annexed to the exalted rank he held in the state as one of the hereditary counsellors of the crown, whenever they were persuaded that their interposition became necessary, or when called upon by their sovereign, he abhorred faction and party-cabals; and, as far as justice to himself required him to make this public declaration, as much as any one noble Lord in or out of administration, so far as his conscience would permit, he had uniformly thrown his feeble support into the scale of government; but what prudence and sound policy would dictate, in some situations, would be a compound of public treachery and private perfidy in another. He had always acted upon those principles; if he had fallen short of his own intentions, he trusted there was not a single member of that assembly, to whom he had the honour of being personally known, who would not do him the justice to acknowledge, that his sovereign's honour and country's good were the uniform motives of his conduct.

After this introduction, his Grace made several pointed deductions from the premises stated in the debate, and the true cause of all our national calamities, which, abating some untoward circumstances, might be attributed solely to ministers. He said they were totally unfit for their situations. It was true, he, like many other noble Lords, was of opinion, though they, as well as he, had fatal rea-

sons, since to alter it. The force was inadequate in the beginning; and that in the further progress of the war, several untoward accidents had fallen out, which broke the measures framed at home, however skilfully planned; but sad experience had at length taught him, that the whole of our misfortunes originated with ministers; they continued to accumulate under them as they proceeded, till at length there was not a single ray of hope left; the nation was undone; it was worse; it was disgraced; we were at once the scoff and laughing-stock of all Europe, and from every rational appearance, there was nothing but a short period of time, not to the termination of our independence, but to the total extinction of our very political existence. France was permitted to raise a most formidable navy under our nose, in a time of profound peace, and in a season which, though it might not suggest much jealousy or alarm, yet upon the first rudiments of universal policy, clearly and distinctly pointed out the necessity of using the utmost caution and circumspection; but every thing was neglected till we came to meet them on our own proper element, where, if we did not find them superior, we, to our utter mortification and astonishment discovered that they were nearly a match for us.

He heartily agreed, therefore, with the noble Marquis in every single sentiment and opinion he had delivered. He thought the motion not only proper, but the only one, in the present state of things, which could tend to save us, or at least procrastinate our fall. Who would trust such men with a single shilling of the public treasure? He would not. They had deceived, misled, and ruined the nation already. If any noble Lord was for again trying the experiment, he was not that man; and it was the duty of every noble Lord in that House, and out of it, to express his real sense of public affairs in the present alarming moment.

What, trust in the hands of the present set of ministers the annual parliamentary supply, the only check which the legislature had reserved to itself? in order, he presumed, for he could discover no other reason, but to enable them to do more mischief. But even if the evil stopped here it might be borne; but it would not, for they would have it in their power, before their plan of absolute destruction should be accomplished, to follow each successive day, ministerial infamy with public disgrace.

The noble Marquis, with his usual ability and candour, after describing the immediate dishonour attending our late retreat from the enemy off Brest, drew those fair and rational

tional conclusions which the nature of the public information he had received, well bore him out in. Three thousand men, his Lordship observed, were intended for the East-Indies, whither, after they had passed Cape Finisterre, they could meet with no interruption. A certain number of the great ships, his Lordship observed, was intended to augment the Spanish squadron at Cadiz, which would constitute a force more than sufficient to shut out the British fleet, if there was any intention of that kind, from relieving our fortresses in the Mediterranean. But the principal motive which induced him to mention this distribution of force, was an expression which fell from the noble Marquis, that the retreat of Admiral Kempenfelt would be the means of the loss of the remainder of the West-India islands. In this he would anticipate the fears of the noble Lord, for he was perfectly convinced, whether the French fleet and armaments now at sea on their way to the place of their respective destinations, should be able to proceed, had been again laid up at Brest, that business would be performed to their hand. He had himself a very considerable property in one of the most extensive, best peopled, and opulent islands belonging to the Crown of Great Britain, in the southern part of the Atlantic ocean; and he had received a letter of a very recent date [his Grace alluded to the island of Jamaica, where he possesses a considerable property in right of his present Duchesse] from a very opulent and respectable inhabitant of that island, informing him, that he visited only for a French force, to appear before it to surrender. It was totally defenceless in every respect, and must fall a prey to the first invader, no matter how insignificant. If his words were doubted, he was ready to enter into proofs of what he asserted, and there were several Ministers present, but he desired any one of them to contradict him. He added, that the noble Marquis, besides the duty he owed to his country, was well entitled to give his opinion, as it was well known he possessed a very valuable stake in it.

Before he sat down, he would once more appeal to the House, if after such incontestible proofs of ministerial incapacity, it would be prudent in them to continue their confidence in men, whose only ability seemed to be confined to a species of cunning, or left-handed policy, displayed in lavishing the public treasure of the nation, in securing venal majorities to support those measures which had at length proved the ruin and disgrace of their country, and that

that at a time too when the most rigid œconomy, operating upon our natural and acquired resources, seemed to be the only solid ground of hope we had still left; for, notwithstanding the wasteful, and he might add the corrupt hand with which they had been scattered; under wise and prudent management, they would, in his opinion, secure to us one advantage, which our enemies were confessedly deprived of, because the means were denied to them—namely, an unbounded public credit, not only within the island itself, but throughout the monied part of all Europe. His Grace concluded his speech with expressing his full approbation of the amendment moved by the noble Marquis.

The *Earl of Westmoreland* rose and made a very animated speech, but was led into a degree of warmth which occasionally prevented him from proceeding with his usual facility. Earl of Westmoreland.

He said the present motion was a most extraordinary and unprecedented one, and tended in some degree, in one point of view, to the dissolution of government. In former times, previous to the Revolution, the monarchs of this land held the public purse, and possessed the whole of the revenues of the state, whether territorial or otherwise. At the Revolution that system was changed, and a certain sum, now called the Civil List, was settled on the Crown for the life of the wearer, in lieu of those revenues possessed by it, and applied accordingly to that particular use, the Parliament having engaged or pledged themselves to carry on or provide for the public service. If he understood any thing of compacts, this was clearly one. The Crown parted with certain rights, inherent in it, on two accounts:—first, that a compensation or annual income, suited to its rank and dignity, should be provided or voted: secondly, that the other two branches of the legislature should make those provisions necessary, for the defence and protection of the kingdom. Taking, therefore, the present motion in that light, it amounted to a breach of the compact, or contract alluded to; it struck him as a direct violation of it. It might be answered, that the condition implied no more than a provision for a peace establishment. So far the argument was a good one; but it ought to be considered, that the sum voted by the bill before the House, would not even provide for the peace establishment, though no war existed.

He said, he heard much urged against ministers, and of the miserable, fallen, degraded state of this country. He was sorry for it, and lamented it as sincerely as those who

* cried loudest ; but whatever the calamities of this country were, or however rapidly they might accumulate, he should ever think, that those who fomented the war, and encouraged our American subjects to arm and rebel, were the real authors, and not the ministers, who had so often, since he had the honour of a seat in that House, which was of but a very short standing, been so scandalously traduced, and reproachfully and unjustly treated.

It was our foreign enemies which gave real effect to the secret designs and traiterous machinations of others. Our foreign enemies had ambition to plead, he would confess a very weak plea, to cover fraud and injustice ; but what would the world think ? what judgment would posterity give on the transactions of the present period, when they should stand convinced, that men, professing the highest regard and veneration for their country, enthusiasts, or pretended enthusiasts in its cause, under so foul, so traiterous a pretext, should openly encourage their brother subjects in America, by their inflammatory speeches in both Houses, their more inflammatory publications in print, and their open and secret communications and correspondence with the heads, contrivers, leaders, and promoters of this ungrateful, perfidious, and truly unnatural rebellion, and that too on the flimsy pretence of acting upon what they were pleased to call constitutional principles.

Not contented even with these very extraordinary proofs of their friendship towards those whom they were pleased to call by the endearing appellation of their oppressed fellow-subjects, they ventured soon a step farther ; for, if he was not grossly misinformed, some persons had pointed out, in the early stages of this unhappy dispute, in what manner we might be assailed with a prospect of success, and the secret means too of defeating all our plans and baffling all our designs, and when every effort, in order to effect a favourable purpose, seemed to fail, then set their engines to work to drive our American subjects into the arms of our foreign enemies. But the mischief did not stop here ; they had leagued themselves with our foreign as well as domestic foes : it was true, they wore the mask more closely ; but the principles they continued to act upon were the same ; they stopped at nothing to force themselves into power, and when they found that impracticable, they wished to involve those in ruin and destruction whom they could not supplant, rather preferring the very evil they pretended most to dread, than not have an opportunity of gratifying that species

eies of malice and revenge, which is ever generated by a disappointed and restless ambition.

After expressing himself in terms of remarkable asperity, his Lordship observed, the noble Duke who spoke last as well as the noble Marquis, said, that ministers must be changed in order to effect national salvation. For his part, he had no predilection for one set of men in preference to another, farther than his limited experience led him. He was not, however, going to give an opinion upon a subject to which he professed himself to be entirely incompetent. But as a member of that august assembly, if such a question should ever be agitated there, he had an opinion, and would declare it with the same openness he had now communicated his sentiments on the question before the House, and he hoped ever would, deliver his sentiments whenever the interests, the honour, and reputation of his sovereign and country happened to furnish the subject of discussion.

For the moment passing, all he could say was, if the present ministers were to be changed, and he was called upon to supply their places, he must remain silent, as he was totally ignorant where or how he could change for the better; and inexperienced as he was, he could not avoid mentioning a very singular circumstance, and it was this: if the benches which were now unoccupied but by the noble Marquis who made the motion, were called upon when collected in a body to make arrangements, and form an administration fit to conduct the public affairs, he doubted much whether the present war might not be terminated, or a peace ensue long before they could come to any satisfactory decision on the subject. If so then; if our counsels were broken and divided what better prospect was there, should those now in opposition be called to succeed the present ministry? Would not the same divisions, disunion, want of combination, &c. prevail in the new ministry as they were now pleased to impute in such an event to their predecessors? Indeed the probability was much against such a presumed new arrangement; for it could hardly be expected that men who differed while they professed to have the same object in view, would ever agree when in power, where the temptation to set up different interests might in all likelihood increase, instead of stifling that spirit of habitual disunion which they would carry with them into office.

The *Marquis of Rockingham* seemed as if he did not think it at all necessary to reply to any part of the foregoing speech.

He

*Marquis of
Rockingham.*

He observed, in answer to what had fallen from the noble Viscount in the green riband early in the debate, that it was never his wish to stop the supplies; the passing of the bill on this day, instead of postponing it till after the recess, was a mere matter of form. The noble Viscount was too well acquainted with business, and with the nature of the bills under consideration, to suppose, though they had not been passed for a month, nay for two months, that the nation would suffer. He spoke upon mere memory; but if he recollected right, the malt, as well as the land-tax bill or act of last year would not terminate till the spring quarter; but be that as it may, the time was so very short, that no inconvenience could possibly ensue: for instance, supposing that ministers were as uneasy for the fate of the bill as they wished to represent, could not they shorten the recess? could not they adjourn that very evening? and as his object for postponing was only to have the advice of a full House, which could not be the case, as almost every member belonging to both Houses were out of town, unless such of the other whose attendance was indispensably necessary in town, he would submit to noble Lords, whether a short adjournment would not be much preferable to trusting the present ministers even for a single moment longer? [told by several Lords that no attendance could be expected at so short a day.] He said attendance could be enforced, [He was asked from the woolstack how?] and ten or fifteen days adjournment would remove every objection urged by the noble Viscount. [Told from the woolstack or table that the adjournment had been already determined upon; and could not be changed, unless a motion was made and carried for that purpose.] He said he would very readily make the motion if he had an assurance from the woolstack, and from the other noble Lords who opposed the amendment moved upon the order of the day, that they would support him in it. [These were desultory words, which passed from the other side of the House or across the table.]

His Lordship made some further observations upon what the noble Viscount had urged against his motion. He was persuaded the noble Lord was not serious, nor did not mean to be so understood, when he talked or presumed that a procrastination of the third reading of the present bill would be productive of national ruin; or that it would put a stop to those exertions he had himself so strongly recommended when he first rose. The noble Viscount well knew, that not a ship, a transport, or a company of soldiers, would be de-

tained,

tained, though the bill were even rejected for the present, nor would ministers run the least risque in the interim, of drawing upon them the resentment, much less the punishment of Parliament. The maxim echoed from every side of the House was, "that Government ought to be, and must be supported at all events;" the only point on which noble Lords differed, was upon the propriety or impropriety of continuing to intrust the present set of ministers with the subordinate exercise of the executive power, but he was ashamed to dwell on so trivial a circumstance, further than as it exhibited the fullest proof how destitute ministers were of argument to meet his proposed amendment when they were constrained to have recourse to those curious distinctions between the passing of a bill on that day, or a fortnight, or a month hence.

His Lordship now repeated several of his arguments respecting the expedition under Admiral Kempenfelt; and said, that the man or men who were the occasion of this wanton, this criminal act of negligence, it being difficult to determine from the present aspect of affairs, whether it originated more in the foulest treachery, or the most inexcusable ignorance deserved to be called to a severe account. The retreat from before Brest, he would repeat it again, reflected indelible disgrace on the councils of this country; and he who should be found to be the real authors of it ought to be brought to public judgment; it would be a poor satisfaction he confessed, but it would be some, that the authors of the fall of one of the greatest, the noblest, the most glorious empires the sun ever shined on, should not escape with impunity. When he said this, he could as a man fairly lay his hand upon his breast, and declare, upon every thing he deemed sacred, that he bore no ill will to any man alive; that ministers, as individuals, he esteemed, and was personally acquainted almost with them all; and he might, he believed, claim the honour of a personal intimacy with some, but they had, he feared, ruined this country; and when as a Peer of Parliament, a judge by inheritance and in public trust, he should be called to sit in judgment, (which he foresaw would not be very far distant) he would stop every emotion of his heart, he would as his duty, wipe out of his memory every tender impression made on his mind, and when called upon to pronounce his opinion, he would have only one object in contemplation, that of doing public justice to his country.

He was glad to have observed a certain noble Lord present make his appearance in the House some time since, (Sandwich) because he should ever prefer speaking in the presence of those who might be affected by his opinions, rather than pronounce them when he could hardly expect to be contradicted.

The noble Earl when he sent out Admiral Kempenfelt, must have known the force he was likely to contend with, or he must have been extremely to blame. This was a dilemma from which the noble Earl could not in his apprehension, with all his great abilities, extricate himself. He sent out Mr. Kempenfelt with twelve sail of the line, to meet, he would for argument sake, presume a small superiority, perhaps of two or three ships, which he had good reason to believe would be amply supplied by the bravery and skill of the commander, and the ability and undaunted courage of the officers and seamen who composed his squadron. But was this the fact? were there no more than thirteen, fourteen, or even fifteen French men of war to contend with? yes, there were at least nineteen, five of which were first rates, of the largest dimensions. What then could the first Lord of the Admiralty say in his justification? he begged their Lordships pardon, it was irksome to enter into detail upon so melancholy a subject. He would not pledge himself to the identical words, but he would assert, that he heard from the same noble Lord, once, if not oftener, "that a First Lord of the Admiralty, who had not at all times a fleet superior, but at least equal to cope with the united force of the House of Bourbon, would deserve to lose his head."

How did his language correspond with that made use of as he understood in another assembly, [House of Commons] within a few days by a noble Lord [Mulgrave,] who now enjoyed a seat at the Admiralty Board, and was thought to stand high in the estimation of the noble Earl, who was known to be the head and mouth of that Board. If he could depend upon his information, which he assured their Lordships was derived from a source whence he had never yet been deceived, that confidential Lord, who was known to enjoy the intimacy and was honoured with the patronage of the noble Earl, roundly asserted, in the presence of upwards of three hundred persons, "that the navy of Great Britain was that instant inferior to that of the House of Bourbon;" nay more, that

that in the nature of things, it could never in future be otherwise, whenever the House of Bourbon disengaged from continental connexions, should think proper to make the marine its principal object, and confine its exertions to a naval war. He could not speak with equal certainty respecting the full extent this argument was pushed, but it was likewise imputed to the same noble Lord that he mentioned the like argument in respect of France single handed, and entered into a great variety of proofs drawn from historical documents, in order to demonstrate, that France not only might, but actually had proved an over-match for England and Holland united, during the whole continuance of the war which succeeded the Revolution, and though attacked by more than half Europe on land, supported the honour of her flag without suffering any material loss, against the same united powers during the war of queen Anne, or the war carried on for the purpose of maintaining the succession to the Spanish monarchy, then become vacant, by the demise of the last male prince of that ancient family, which had filled the Spanish throne for so many ages.

If he had not heard a syllable of this official confession, which it might be fairly presumed was not promulged or announced to the whole body of the people of England, through the medium of their representatives, without pre-advise or permission given by the noble Earl to his noble friend in the other House, the recent affair of Admiral Kempenfelt was a sufficient testimony, that so far from being equal to the House of Bourbon, we were not able to contend with one branch of it, for in the whole course of the war, he was yet to learn where in a single instance, France derived from Spain the least assistance in respect of effective operations, unless the noble Earl deemed the coming into the Channel one summer, and appearing at the mouth of it last autumn, might for the first time be deemed so by his Lordship.

His Lordship concluded his speech with a few observations respecting the disposition of foreign powers towards this country, and the probability or improbability of deriving through their interposition the blessings of peace. He had heard much in discourse, and had read a great deal relative to the prospect of an approaching pacification taking place between Great-Britain and Holland. Those rumours were no more thought of, or foreseen to be attended with such

insurmountable difficulties almost, as to render the completion of peace totally impracticable. But supposing affairs were a better appearance in that quarter, the Dutch he was partly persuaded would never consent, or even hearken, he feared, to treat with an administration who had used them so cruelly and unjustly. This was language perhaps far from being current in this country, but putting Holland and England out of the question, as unfit to judge of their respective pretensions, he had the best authority to say, that the complaints of Holland against the court of London formed precisely the universal language of every court in Europe. Had we any ally? it was not pretended we had. Was there any friendly mediator who would interpose? he understood there was, and he believed it, the empress of Russia. He was persuaded the court of Petersburg was extremely well inclined towards us. He had no reason to doubt that the empress had the inclination; but had she the power to enforce her mediation? he feared not, so long as the French continued to have so strong an influence and so unquestionable an ascendancy over the councils of the Porte.

His Lordship mentioned, that as to a general peace with the other belligerent powers and America, it could never be effected by the present men in power; they had brought themselves into a predicament hitherto unprecedented, as far as he could recollect in the annals of mankind: that of a total inability or incapacity to negotiate peace, or to prosecute war. It was well known that neither France or Spain would treat with them; but supposing that not to be the case, would America? such an idea or expectation was absurd in the extreme. The people of that country imputed all the miseries they had suffered to the councils of the present ministry; and he believed the determined dislike the Americans had conceived against them, was fixed, and had taken root much deeper than those general resentments, which are excited by nations in a state of open hostility; which was that that every act of cruelty and barbarity practised by the British troops and their savage associates in blood and slaughter, had originated in a system of private malice, of certain persons in this country. He had his hopes nevertheless, that when other men should succeed to the present administration, and that terms of amity should be proposed to our brethren in America, America would agreeably to her to her general character of true magnanimity, nobly forget past injuries, and not consider the conduct

duct of a few criminal or ill-advised individuals, as representing the real sentiments of a whole nation, from which she had in innumerable instances experienced the most friendly intentions and the most kindly assistance and support, when in a state of native debility or infancy. He foresaw the fate his motion was likely to meet with, and had nothing to balance the disappointment, but a perfect consciousness that he had faithfully discharged his duty as a member of that House, abstracted from any other consideration but the real interests of his country.

The Earl of *Sandwich* said he rose to answer a part of the noble Marquis's speech which related to himself: with regard to the noble Lord's proposed amendment, he could not help making one observation which was, that there did not the ground or precedent exist so far as his recollection reached to support it: it was therefore totally unnecessary in his apprehension, to take up a moment of their Lordships time, in endeavouring to persuade them, that it would be extremely hazardous if not productive of real mischief, at such a difficult and embarrassing crisis to withhold the supplies. The grounds of necessity were so self-evident, that to attempt to illustrate or corroborate them, would rather render that obscure which in itself was as clear as noon-day.

His Lordship then said, he would proceed to answer such parts of the speech of the noble Marquis, as seemed to relate to himself as a member of that house, and occupying an office of trust under government. He affirmed that it was not the hundredth time he had heard the certain famous words imputed to him as comprised in a speech he had delivered some years since in that House. He would not say the noble Marquis asserted a falsehood, because he was persuaded his Lordship was incapable of asserting one; but in general terms he would affirm, that the whole was an errant fallacy. It had often hurt him in his feelings, as he was conscious he had been unjustly, and he believed he might add maliciously, as well as unjustly traduced. He had however for years, learned to despise the calumny; no man of candour could undertake to develop his meaning, or dive into the motives which induced him to make the declaration imputed to him. The noble Marquis had thought fit to find out a meaning for him, which he could venture with confidence to assert, never entered his head, which he never entertained in his life, either in private or public, and

which of course he could never have uttered; he had as often as he was charged with the expression fairly stated what he did say, and followed that with an explanation, if any could be wanting, where the words and intention so exactly corresponded, which was no more than, "that the navy of this country ought to be at all times equal to that of the House of Bourbon." He could not help reminding the noble Marquis and every noble Lord present, that what he had said fell from him in a debate in that House about five years ago; it was misunderstood at the time, that might possibly happen in the hurry of debate, in a very crowded House; but after so many explanations given, it was rather extraordinary, that it should still continue to be misrepresented, at least within those walls.

For the last time he trusted he should ever be called upon to state and explain what he had so repeatedly and correctly stated and explained before; he would, with their Lordships permission, repeat the very words he had used, which were, "that it ought ever to be an object with Government, to keep the navy of Great Britain on as respectable a footing as possible, and to make it equal in Europe to the navy of the House of Bourbon, whenever it could be done." These were substantially his words, but if he might have misstated them, though he was not conscious that he had, this was clearly his intention, it was still his opinion, he had held it steadily under every change of circumstance, and had often formed his advice upon it when called to give it. There were events which frequently intervened, and rendered the wisest and best digested systems of policy not fit to be punctiliously adhered to. In the course of the war, Government necessarily found it expedient to conform themselves and suit their conduct to existing circumstances; on some occasions, his Majesty's servants thought it proper to detach; of course therefore in Europe we felt a sensible diminution of force sufficient to be a clear exception to the general principle laid down by him. It might again under other circumstances be extremely proper to keep a superior naval force for the home defence; he thought it therefore extremely unbecoming to be pinned down to a loose expression, which he never uttered, or if he did, he never meant to affix the meaning so often imputed to him, by those who wished to depreciate and misrepresent his public character, He acknowledged, that he might have said in still an earlier stage

stage of the business; "that it was the duty of administration to have a naval force at all times able to cope with the House of Bourbon;" but in both instances the same explanation answered, the opinion amounted to no more than a speculative general proposition, perfectly applicable to the then existing state of affairs, but able to be modified and rendered consistent to the varied progress of human events.

The noble Marquis had dwelt with his usual energy and warmth upon what he was pleased to call the late disgrace which had befallen the British flag. In this he had the misfortune to differ from the noble Lord, for, as an indifferent person, he could from his heart declare, so far from being a disgrace, he thought it reflected the highest honour on the British flag.

The noble Marquis seemed strongly inclined to censure him for not knowing the force our squadron had to contend with. Now that was the very point to be decided, for he had every reason still to believe that the original force was thirteen ships only, but that on the very day the enemy had been joined by six ships, four or five of which were three deckers of great force. But be that as it may, where was the disgrace to England or the British flag?—None; the very reverse.—We took and brought away fifteen, report said twenty of their transports, full of soldiers and provision stores, and not only of that, but of the most valuable naval stores of all kinds, mortars, cannon, amunition, &c. four of these transports had already arrived in Plymouth and the other western ports, and he made no doubt but a day or two would bring an account of the arrival of the whole. Aboard those already arrived were seven or nine hundred soldiers, artillery-men, &c. and he was persuaded, instead of attracting the contempt and ridicule of all Europe, under the circumstances he had described, it would redound as much, perhaps more, to the honour of Britain than a complete victory under other circumstances, where we approached nearer to an equality.

The noble Marquis had talked of disgrace and misconduct. He could assure the noble Lord, that they were never more unfitly applied. Admiral Kempenfelt was an officer of great experience and skill in his profession, unquestioned courage and acknowledged abilities. The squadron entrusted to his command, for its number and effective strength, was as fine a one as ever sailed down the British Channel; and when he said he had formed the most sanguine, and at the

the same time rational expectations of success, he looked upon himself perfectly well founded in the expression; for with such a commander, supported as he was by the gentlemen who acted under him, with the natural bravery of the men, he was fully warranted in his first assertion, that with such a squadron, such commanders, and such men, no person could charge him with rashness in saying, that although the force of the enemy amounted to fifteen ships of the line, the Admiral, notwithstanding such a superiority, would have been able to have given a good account of them.

The Marq.
of Rocking-
ham.

The Marquis of *Rockingham* seemed to feel himself much hurt at an insinuation or rather direct charge he said made by the noble Earl who spoke last, as if he had let fall a single word or expression either time he was up, reflecting on the professional character of Rear-admiral *Kempensfelt*. He appealed to the noble Lords who heard him speak twice to the question, whether every time he had occasion to mention Admiral *Kempensfelt*'s name, or allude to any part of his conduct, which was a necessary consequence resulting from the nature of the object he had in view, the adducing a fresh proof of the total incapacity of ministers, which of course furnished an additional reason in support of his motion, which was to withhold the supplies, *pro tempore*, as they were no longer fit or proper persons to be trusted, he had not held a direct contrary language. It is true, he spoke out in plain direct terms, and expected to be understood agreeably thereto, though he had often heard a species of panegyric adopted in that House, which meant nothing more, than the convenience of the passing moment, and was directly denied or explained at some subsequent period in the sense the speaker wished to give it, or rather when a species of convenience of a more recent and urgent nature rendered it expedient to do so: but the language he used he could honestly aver, was the language of his heart; he stated what he knew, what he had good reason to believe to be true, and what he felt but no more, for he trusted noble Lords would give him credit when he said, that he never stated a fact, gave an opinion, or formed a conclusion in that House in the hurry of debate, which at a cooler moment before or after as a private gentleman, he would not if necessary or proper, confirm in a select company. He was therefore determined not to permit it to get into the world, that he had let drop the most distant insinuation against

against the conduct of that very gallant commander; he was persuaded an apology would be thought unnecessary to that gentleman himself; his solicitude did not arise on that account, but merely, lest he should be made the innocent instrument of propagating calumnies, which so far from having vented, he never, he would pledge his honour had so much as entertained, in the slightest or most remote degree. Such injurious reports he acknowledged might answer the ends of ministers, while they affected to controvert or discredit them. It might answer their purpose extremely well, if it should go forth among the people at large, that the late adverse occurrence was not the fault of administration, or the Admiralty Board, and it would sound still better to add, that it was the language even of their warmest opponents, who, however prone to cavil and find fault upon every occasion, imputed in the present instance, the fatal miscarriage of the objects of Admiral Kempenfelt's cruise to the commander, that of blocking up in Brest, or preventing the French Squadron from adding to the strength of their marine, the augmenting their armies, or furnishing depositories for naval and military stores at their different possessions in the East and West Indies; but he was determined however that such ambiguous and oblique attempts, should not pass unnoticed by him, nor he trusted undetected: consequently he believed the noble Earl might have as well have spared his laboured defence of the conduct of Admiral Kempenfelt. He fancied the noble Earl might with more propriety and decency too have waited for a fit occasion to exert his abilities as an advocate. It would have been full time enough, and it would have been infinitely more friendly and respectful to that officer, to have never mentioned his name publicly in an House of Parliament as an accused person, till some accusation or insinuation tending that way had been either made or hinted.

He knew the noble Earl's great abilities, long experience, and his perfect knowledge in business, particularly in the very difficult science of swaying his auditors in a numerous assembly: he knew likewise that since men, when their talents and powers of ordinary persuasion failed, or fell short of the point to which they wished to reach, had recourse to arts of the deepest and darkest complexion; but he has even seen this ground when taken, fall in or crumble to pieces under the occupiers.

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He confessed he was much surprized to hear the noble Earl dwell so much on the conduct of Admiral Kempenfelt, the part assigned him was of a particular nature, merely executive; he was directed to proceed to sea with such a force, and lie off Brest to watch the motions of the enemy, and intercept them, if under such circumstances they should attempt to proceed to the place of their respective destinations. To enable him to execute this service, he had twelve ships of the line well found, in prime order, and one half of them consisting of first and second rates. He was informed before he left port, or perhaps while at sea, that the force he would have to contend with consisted of only of thirteen ships of the line, inferior in out-fit, number of guns, weight of metal, &c. This he presumed was a plain faithful narrative of the circumstances, so far as the Admiral's information and instructions went. Mr. Kempenfelt in obedience to these orders, repairs to his station off Brest, and within a very few days descries a large convoy which he pursues, and captures several of the vessels; in effecting this service he perceives that the enemy's squadron come forward in order to protect the remainder of the convoy, which had not fallen into our hands, consisting of fourteen if not fifteen ships of the line. This does not however deter the Admiral, though the enemy had a majority of two or three ships, he thought from some of the circumstances already mentioned, as well as the confidence and reliance he had upon the skill and bravery of his officers and men, that he had nothing to apprehend on account of the superiority of force under his command, but that the deficiency would be amply compensated on the grounds already stated. Accordingly the signal is thrown out for the line of battle; and the engagement is actually commenced between the Edgar and the Triumphant, but while the British ships are manœuvring, in order to come into their respective places, and the line forming agreeably to signal, our headmost ships discovered five large ships of the first rate in the south-east quarter, pushing forward to come into the opposite line. Notice of this having immediately reached the Admiral, per signal, a moment could not with prudence be lost in making the option. The only object which then remained for the Admiral to attain, was to avoid an engagement with the enemy, when there was so great a superiority of force against him, and if possible to bring home the captured transports, and this he happily effected; but

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how far this could be supposed to exculpate administration, or the Admiralty Board, was what he must continue to be totally ignorant of, till he heard it explained by the noble Earl at the head of the Admiralty, or some of his colleagues in office. The very end of their new plan had been defeated by their ignorance, treachery, or neglect, and to the nation it was of very little consequence from which of them it originated. They sent out an inadequate force, knowing it to be inadequate, or not knowing it, they of course were no longer worthy of the confidence of their sovereign or their country.

But before he quitted this part of his subject entirely, he would remind the noble Lord of two things. First, that the French cared very little about a few transports; their attention was directed to objects of more consequence, and supposing it had been otherwise, and that they had endeavoured to retake the transports, he much doubted, whether it was in their power; for our ships being all copper-bottomed would out-sail the body of the enemy at their pleasure, so that they might with safety endeavour to bring off the transports, and yet if they should find themselves hard pressed, make their retreat with security into the first British port. Perhaps this mode of accounting for what the noble Lord deemed a full reparation of national honour, might be interpreted by his Lordship into an oblique reflection on the conduct of the Admiral, or at least detract from his merit. To prevent the noble Earl from again rising to that point, he would anticipate every thing he had to say on the subject, and agree with his Lordship that the Admiral was capable of performing his duty in every situation, and whether his force was inferior or his ships coppered or uncoppered, would always acquit himself like an able, an experienced, a spirited, gallant, and judicious officer.

Whether it was five or three years ago the noble Earl had first used the words imputed to him was of very little consequence. That they were spoken, and frequently repeated by his Lordship, was universally believed. He thought he had heard them himself. He could not boast of a good memory, much less of accuracy respecting particular paragraphs or expressions, but if called upon his conscience and honour to declare the truth, he could fairly affirm, whatever the specific words were, the substance imported this, "that a First Lord of the Admiralty, who had not at all

times a fleet prepared to cope with, if not superior to the united force of the House of Bourbon, would deserve to lose his head."

It was curious however, to hear the noble Lord, every time he was reminded of the expression, varying it to suit the complexion of the day, or answer the temporary purposes of debate. His Lordship's first ingenious alteration resembled nearly an amendment proposed to a question before the House. His Lordship begged to omit the description of the person who was to lose his head, and instead of that insert, "that an administration;" and pursuing it up to the sad catastrophe of decapitation, by using the words in the plural number, "deserve to lose their heads."

He should detain their Lordships till morning, could his memory serve him, in tracing up and pointing out the alterations made by the noble Earl, every time he was put in mind of this unguarded expression, for he feared the noble Lord would, some time or other, have real cause to repent that he had ever used it.

He would however, take no further notice of past occurrences for the present, but would defer it to a proper time which was much nearer than the noble Earl seemed to be aware of; and solely confine himself to the last impression his Lordship had furnished the House with that evening.

The noble Earl says, it was impossible that any person could pretend to know his intentions when he made use of the expression. It was very true, perhaps his Lordship designed or intended the very reverse of what he said. But in that House when persons occupying high, responsible offices and Cabinet situations, were called upon to convey information, and explain matters of state, it was always expected that if they chose to answer, which was optional in them unless by an express motion made and carried for that purpose, that they should deliver their sentiments with plainness, sincerity, and fidelity, using the current expressions or vernacular language in its usual and ordinary signification. When the noble Earl talked of his intentions and opposed them to the words he used, it amounted to a direct acknowledgement of endeavoring to mislead that House and the nation, and, in his opinion, to a very high crime or misdemeanour.

But to return to the noble Earl's further amendments of that evening, the substance of the expression imputed to him

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was in fact acknowledged by his Lordship, with the trifling difference of the word "Europe." Whether the noble Lord mentioned Europe, he was not certain, but perhaps he had it in his intention so to do, which, according to the noble Lord's logic and mode of expression, was just the same thing. But even allowing the noble Lord to frame the text, and write the commentary, he was apprehensive his Lordship would not even by that curious device better his situation, or strengthen his argument? was the Bay of Biscay or Ushant in Europe? Was Admiral Kempenfelt's squadron destined for Europe or some of the other three quarters of the globe? did the Bourbon armada, consisting of upwards of sixty ships of the line, which insulted our coasts, took possession for three weeks of our Channel, and pursued our grand western squadron as high as Portland-roads, parade in Europe, or off the coast of New Holland? was the last visit they paid us in the month of August, when they drove our Channel squadron into Torbay where it remained a month, when dispatches were sent to every port, harbour, and haven, from the Orkneys to the Scilly isles; did this happen too, he said out of Europe? he really felt for the noble Earl. He seldom was at a loss, or wanted foresight, but by some means or other, his Lordship seemed not to perceive, that a temporary shift or ingenious turn, does not always answer the purpose of the person who has recourse to them.

The Earl of *Sandwich* rose again and complained loudly of the harsh and uncandid treatment he had experienced in the course of the debate, and the ludicrous stile in which his arguments had been treated, and the ridicule and absurdity which had been endeavoured to be fixed on every syllable he had uttered. He complained with some degree of anxiety, that he should be thus hung out and called upon to explain words which had fallen in the hurry of debate, full five years ago. It was disorderly to refer at any time, or upon any occasion, to words used in a former debate, though of ever so recent a date; but if it was improper and disorderly so to do upon ordinary occasions, surely it was highly improper, he might add indeed, reprehensible, and, contrary to the order of their Lordship's proceedings, to frame words and passages said to have been spoken under very different circumstances, and then shape them and mould them into the form of a solemn accusation,

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The noble Marquis had exulted greatly upon the distinction between words and intentions.—He did not pretend to discriminate the extent or texture of the noble Lord's mind, but he believed there was not a noble Lord who heard him, but would think himself severely dealt by, if he was not permitted to explain his meaning or his intention, if the noble Marquis liked the expression better; it was usual in private life, among every rank and condition, and in delivering public opinions, in either of the great assemblies of the nation, it was a privilege, or rather a natural as well as political right, which every man was entitled to claim and exercise. It happened almost every day in debate, and he appealed to noble Lords better versed in the usages of Parliament than he pretended to be, whether even the most offensive words against the House, Government, or any individual, when the person used them, was called to explain, if he wished to avoid the displeasure of the House, (though the words were in direct contradiction) was he not at liberty to explain them, either upon the ground of his own personal apprehensions of subsequent punishment, or perhaps on the return of his reason, after a paroxysm of passion, upon more noble and more generous motives, that of a full persuasion that he was wrong.

The noble Marquis imagined, with what justice he would leave to the decision of noble Lords present, that he had gained a complete victory over him. It was fully sufficient for him to answer, that the question respecting the information ministers might have had respecting the efficient force of the French fleet was clearly out of the House; there were many necessary preliminaries to be complied with before the noble Marquis could with justice complain of his silence, much less exult or fancy, that as he had not thought fit to disclose the secrets of office, in a desultory conversation like the present, that consequently he was criminal, because totally neglectful of his duty.

His Lordship, after re-stating several of his former arguments, and referring to some particular facts, sat down with expressing his hearty dissent to the amendment proposed by the noble Marquis, and his determined resolution to vote for the order of the day. The question was then put from the woolsack upon the original question, which was agreed to without a division.

December 20.

Adjourned to the 30th of January.

January

January 30.

Decollation of Charles I.

January 31.

The House having waited for the ministers some time, at length Lord Stormont appeared.

The Duke of *Richmond* began with observing, that questions of a particular nature had been decided in that House, contrary to his judgment and sentiments; but he knew of no instance, where the matter in its nature or tendency had humanity for its basis; in which politics or party motives had ever been permitted to mix themselves, in the final result of their deliberations: Their lordships, on every such occasion, always mixed the most generous feelings with the strictest and most sacred regard to justice; and proved, on every opportunity which presented itself, that the oppressed, the injured, and the abused, would always receive from them every relief and indulgence it was in their lordships power to afford.

The matter he was about to mention, though it did not extend to those important objects which he has now pointed to, was certainly included in them, if true; which he still hoped, for the honour of the British arms, of a British soldier, and the British name itself, was not the case. All he knew of the person whose unhappy case he meant to bring before their lordships, might be gathered from the newspapers by any one of their lordships as well as by him, unless a manuscript state of the case transmitted to him through the office of the Secretary of State, [Lord Germain's] by a person of the name of Bowman, residing at Charics-town in the character of a loyalist, under the protection of the British government. This man's narrative, (of whom he knew nothing farther than what he now mentioned) set forth certain facts, previous to and concerning the execution of Colonel Isaac Haynes. The narrative transmitted to him by Bowman exactly agreed with the accounts which appeared in the public prints, and with the account published by Congress authority. The fact, so far as he could judge of it, appeared to be extremely objectionable, when sanctioned by a British officer. Here was no trial, not even the mock forms of one, but he must forbear to reason upon facts, which from their complexion could hardly be credited, but rather be deemed the effusions of party zeal, and that spirit of persecution and unbounded resentment which distinguish the rage of civil war from every other war. Although Bowman's letter and

the public prints were not sufficient authorities to institute a parliamentary enquiry, yet they justified him to make this proposition, viz. that if any one cabinet minister would rise, and say whether he had received any official information on the subject, and, if he had, that he would just state so much of it as might appear to him sufficient to satisfy their lordships that Colonel Haynes deserved the punishment he met with, or suffered according to law, he would rest contented. But if ministers remained silent, or refused to give an explicit answer, in that case he should feel the necessity of moving one or more motions on the subject; the leading one of which would be, that the House be summoned for Monday next, February 4.

Ld Viscount
Stormont

Lord Viscount *Stormont* said he always understood, that it was irregular to enter into a debate when there was no question before the House; that was, in his opinion, precisely the case with the noble Duke: his Grace had spoke to circumstances, and entered into general reasoning; but had declined making any motion whatever. The noble Duke asked him or his Majesty's ministers, in general terms, whether any official intelligence had been received, respecting the subject matter of his discourse? He would answer the noble Duke, when a question came regularly framed before their lordships, what was proper or improper to be imparted. The noble Duke promised to make a motion for summoning their Lordships on Monday next; he was not just then prepared to say how far it would be proper on that day to institute an enquiry. When the day came, he would give his opinion.

Duke of
Richmond.

The Duke of *Richmond* met the noble Viscount directly on his own ground; he said, the noble Lord, since he undertook to answer for the rest of his brethren in office, had a right to answer any member who might call upon him respecting office papers, the contents of which were generally known, or if misrepresented, would reflect honour upon Government, and this nation. It colonel Haynes died by the force or virtue of any existing law, he of course fell a just victim to his own crimes: if, on the other hand, he was put to death contrary to law, or indeed without the mere outward forms of a legal trial, he would not say what the crime exactly amounted to, but he believed general Greene, and even the loyalists in Charles-town, and South Carolina, did not hesitate to denominate it murder, and that of the foulest complexion.

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The noble Lord in the green ribband, instead of answering in the stile of candour, which every other noble Lord present but his lordship thought he was entitled to, wrapt himself up in the cloak of self-importance and ministerial consequence; and he might almost add, of disrespect to every member present, haughtily replies,—“There is no question before the House; when there may be one, I shall speak to it; I will give my opinion, how far an enquiry may or may not be proper; &c.” [Here his Grace affected the tone, emphasis, and general stile and gestures, of the last speaker.] This his Grace contended, was a language unbecomitting the noble Lord as a member of that House, and much more so, as a servant of the public. He never meant to infringe upon the private rights of any member, yet he did not think himself obliged to stoop to a private application to the noble Viscount in his mere personal capacity; he called upon him as a public man, occupying a responsible situation, one of his Majesty's principal Secretaries of State, and bound by his duty, to give that House and the nation at large, every information which in its nature or effects, might not promise to prove detrimental to the state. The hauteur and self-sufficient tone of unbounded and uncontrouled authority, did not become the situation of the noble Viscount, considered in any one single point of view: the noble Lord possessed several lucrative offices in the state, as well as that which he had been alluding to. He owed much to his nation, whence he derived those benefits; and if he did not, his office called particularly upon him, to adopt a more measured and respectful language to that House, for he should, in the predicament in which he then stood, consider himself in a public capacity, standing up for the undoubted rights of that House and the nation.

He was ready to grant, that the noble Viscount stood upon firm ground. He was supported by strong private influence, by a near relation, (lord Mansfield) whose power and influence were known to be almost unbounded, and unhappily prevailed in the commencement and prosecution of this fatal American war, but he would nevertheless recommend to the noble Lord, not to be over confident. “The times were precarious; the storm was great; and the sea run high. The vessel which he and the rest of his colleagues were embarked aboard, and had the direction and guidance of, was doomed to encounter all those various perils; the event was uncertain, or rather such was the state of the vessel,

that scarcely any prospect was presented to a thinking mind, but ruin and shipwreck, among rocks, shoals, and quicksands. The noble Lord should, to judge wisely, take the whole of his situation together, and reflect, that possibly, nay probably, when the vessel should go to pieces, the crew, though they could not prevent the ruin brought upon them by those who undertook for their safety and protection, might not rise, and, in a paroxysm of rage and resentment, devote the noble Viscount and his colleagues to immediate destruction.

The noble Viscount seemed to treat the transaction as a matter of little or no importance. It might strike his Lordship in that light; but he begged leave to say, that he entertained a very different opinion of it. It was not merely doing an act of particular justice, or the endeavouring to rescue the nation from the odium, which, if true, and not enquired into, must ever attend it, but it respected a most honourable, valuable body of men, namely, all the British officers now serving in the southern districts of North America, who were threatened by general Greene, with instant death upon being made prisoners: that officer, as he had observed, when he was last up, denounced vengeance against every British officer taken in arms against the United States, and said they should be retaliated upon precisely in the same manner.

His Grace declared, if he did not procure a satisfactory answer from some one of his Majesty's confidential servants, however reluctantly, he would move, that their Lordships be summoned for Monday next, for the purpose of going into an enquiry into the grounds and motives for putting colonel Isaac Haynes, an officer in the service of Congress, to death, without any form of legal process, or due proof of the crime or crimes laid to his charge.

Lord Viscount Stormont.

Lord Viscount Stormont rose again, and said he never imagined the noble Duke would have put such a construction on his words. He did not recollect that he was haughty or disrespectful to the noble Duke, or to any other noble Lord present, or that he with an air of importance, improperly assumed, wrapt himself up in the cloak of ministerial insolence. The noble Duke had imputed to him, what he confessed he had been hitherto an entire stranger to, private influence, and an overbearing haughtiness. As to the place he then occupied, he was called upon to fill it, for he never sought it; his previous habits and pursuits in life, was, what

what he imagined, induced those in whose power it was to select him for his present office, to presume that he was not totally unfit for it. He believed even at that period, the noble Duke would agree with him that it was not a situation to be coveted, merely for the sake of power and emolument; he hoped he had accepted of it from motives of a more commendable nature than either; he knew his own insufficiency, but he nevertheless was of opinion, that the acceptance of the office he now filled, was a duty which ought to supersede every other consideration of a private or personal nature. He could however assure the noble Duke, that he wished not to remain in office longer than his services proved acceptable, and he should with real pleasure hear that they were no longer thought so, but that the good of his country made it proper to appoint to him a successor more able and equal to the arduous difficult task, which from the present posture of affairs, necessarily called for the assistance of men of the first-rate abilities in every station.

The noble Duke, he begged leave to repeat again, had imputed to him, and that in a stile of accusation, that he had insulted that House, than which, there was nothing farther from his intention. He might with much more justice, retort the charge upon the noble Duke himself, and he was warranted in affirming, that the noble Duke had insulted their Lordships, and that in the grossest manner. He had called them a crew. [Here a call of order! order!]

The Earl of Abingdon insisted on the noble Viscount's sitting down, as he had palpably misrepresented the noble Duke's words—for his Grace did not allude to the House, but compared the present state of this country to a ship in bad weather, and in danger, through the unskilfulness of the officers, or those who had the care of the vessel, and drew a simile between the people at large and the crew of the vessel, observing, that they would probably avenge themselves on the authors of their ruin. Earl of Abingdon.

The Earl of Hilsborough said he could not help expressing his surprise, that the noble Duke should have called for that information, which he did not doubt but the noble Viscount, or any one of his Majesty's Ministers, would most readily have communicated on a private requisition. The noble Viscount had endeavoured to avoid going into a discussion of a transaction, which the noble Duke had himself Earl of Hilsborough.

self declared he meant not to render the subject of debate that day. That was clearly the noble Viscount's meaning, and not a design of treating either the noble Duke or the House with the least haughtiness, or the smallest degree of contempt. With regard to the circumstances under which colonel Haynes had been executed, he made no scruple, as one of his Majesty's Ministers, to say, that Government was not in possession of any official information upon the subject. There was no such information to be found in his office, and he dared to say, he might answer for the noble Viscount, and for the other noble Lord near him, [the Lord President] that they knew not of any that had been received. He would not presume to speak for the learned and noble Lord upon the woolsack, but he believed, if he was to rise, he would say the same. With regard to the enquiry that was talked of, that was a question to be considered and discussed another day, he only wished the noble Duke would recollect the nicety of the case, and the difficulty of proceeding on it before information, that might be depended on, arrived, or good evidence was to be had. The honour of that gallant officer, who had commanded the southern army, and to whose merits every one was perfectly familiar, was intimately connected with the present proposed enquiry. That brave and promising young nobleman, lord Rawdon, who had distinguished himself so brilliantly in the course of the war, on such a variety of occasions, and who was in a responsible situation at Charlestown, when the circumstance happened, was now absent. Lord Rawdon was gone over to Ireland to see his family and his relations; he would be back again in ten days or a fortnight. Why not wait his return? Lord Rawdon, as a *viva voce* witness, could give the noble Duke and the House the fullest information on the subject; he hoped therefore, the noble Duke would postpone proceeding any farther at present, and would wait either, till official information arrived, or till lord Rawdon returned to town.

Marquis of
Rockingham

The Marquis of Rockingham said, the noble Earl, who had so fully complied with the requisition of the noble Duke, must be aware, that one thing would inevitably ensue in the minds of every Lord in the House, viz. an extreme degree of surprize, at the difficulty felt and expressed by the noble Viscount in the green ribband, when he rose to answer the noble Duke. What could be the reason, that a matter so clear, so plain, and so easy, as the

account

account given by the noble Earl, was hesitated upon for a moment by the noble Viscount? Perhaps, he thought he was acting more discreetly, if he might use such a word, in not saying a syllable upon the subject, and that it was wiser, than to tell the plain truth. He called upon Ministers to say, if they had received an authentic copy of general Greene's proclamation, in which Mr. Haynes's execution was deemed a murder, and severe retaliation threatened? If they had, they ought to say, what means, of preventing British officers from the risque of being hung up by the rebel General, had been suggested in the last instructions, which they sent out to America. If not, their firmest supporters and greatest admirers, must deem them highly blameable. Indeed he could not help suspecting, that there was some capital mistake in this business; for it was hardly credible that ministers, at the end of five months, could have been entirely uninformed of the transaction; that ministers could have totally neglected general Greene's proclamation, without some inquiry.—If they had, all he could say was, that it was a most extraordinary instance of inattention and neglect.

The *Earl of Huntingdon*, (uncle to lord Rawdon) said, the noble Duke had acted with all possible candour to him in the business; for he had three or four days since acquainted him with his intention of making a motion, such as his Grace had now more fully opened to the House. Earl Huntingdon

He begged leave to assure the noble Duke, that he had totally forgot, while lord Rawdon was in England, to make any enquiry concerning the cause and execution of Mr. Haynes.

As soon as he learned from the noble Duke, that he meant to move for an enquiry into that transaction, he did not lose a minute in endeavouring to procure the best information he could; he took the liberty in the first instance, to apply to the Secretaries of State—The answer uniformly given, was, that they had received no official papers whatever, respecting the execution of Mr. Haynes.

The noble Marquis (Rockingham) he confessed, had good grounds for his doubts and surmises, that Ministers received, but had concealed the information sought: the truth was, if he had not been misinformed that the packet with dispatches, containing an account of the execution of Haynes, had been captured on her return to England, which fully explained the reason why Ministers were not as yet regu-
larly

larly and official informed on the subject. His Lordship took infinite pains to exculpate his nephew from all blame, supposing blame to lie any where. He contended strenuously, that lord Rawdon, being a junior officer, was, nor could not be deemed responsible for the conduct or final determination of his superiors in command. 'That colonel Balfour was Commandant of Charles-town, where the sentence was passed, and in consequence of that sentence, the execution took place.

The duke of Richmond moved, that the House be summoned for the 4th of February; to which day the House adjourned.

February 4.

Duke of
Chandos.

The Duke of Chandos rose, and informed the House, that he wished to say a word or two before the order of the day was moved. He wished to institute an inquiry into the causes of the loss of the army, under the command of Lieutenant General Earl Cornwallis, at York-town, should Ministers decline so essential and pressing a part of their duty.—The noble Viscount in the green ribband, whose official situation entitled him to speak with authority, seemed to approve of an enquiry; but appeared equally averse to take any one step whatever to promote it;—for when he had put the question to the noble Viscount, whether or not, it was the intention of Administration to set such an inquiry on foot? his Lordship remained totally silent. The answer in another point of view was very explicit, but in some respects perfectly coincided with, the noble Lord's silence being by no means satisfactory; for in his apprehension, the public were fully intitled to be informed of the causes of so fatal a disaster. Convinced as he was of this important truth, conscious as he was of his own incapacity to pursue an object of so much consequence, he was determined, that his efforts, feeble as they might be, should not be wanting. He would therefore move, that the House be summoned, for Thursday next, for the purpose of considering the propriety of instituting an enquiry into the causes of the loss of the army under the command of Lord Cornwallis, at York-town, in Virginia.

Duke of
Richmond

The Duke of Richmond rose, and introduced his promised motion, by observing, that what had fallen from him on a former occasion afforded sufficient reason for his soliciting the attention of their Lordships to the proposition he was about to make. He said that he strongly adhered to a doctrine

trine which was then advanced, and which he adopted as the leading maxim of his conduct, that in every case where the public were concerned, there ought to be no respect paid to the character, of whatever rank or denomination; and that such enquires should be conducted upon liberal grounds, and independent of all such considerations. After dwelling some time upon this idea, the noble Duke produced and read a variety of letters from a Mr. Charles Frazer, town-major at Charles-town, together with answers to them from Colonel Haynes; as also the opinion of that Colonel's counsel (a Mr. Pocock) respecting the court of enquiry into his conduct, and the sentence of death passed upon him. These letters, he said, had been transmitted to him through the channel of the Secretary of State's office, from a Mr. Bowman, a man to whom he was an entire stranger. From the detail of circumstances therein stated, it would appear that Colonel Haynes had been first ordered to prepare for his trial before a court-martial, regularly instituted; that this intention had been afterwards changed into a court of enquiry. In consequence of which, Colonel Haynes had been doomed to die. These circumstances of cruelty, said he, were aggravated by the treatment he met with in his last moments. At one o'clock in the morning he was informed that he must prepare to die at six, and leave his apartments at five, for that Lord Rawdon and Colonel Balfour, in virtue of powers vested in them, had come to the resolution that he should peremptorily be executed at the former hour. In consequence, however, of an application from Governor Ball, and some persons in the magistracy of Charles-town, and others of reputable character in that place, a respite was granted him for forty-eight hours, and his clemency to the British officers when in his power was assigned as the reason; and yet what rendered this favour a little extraordinary was, that the following condition was annexed, that if any application should be made by General Greene, or any of his associates, for the unhappy man, he would be instantly put to death. Such being the state of facts, he was of opinion, that there was good ground for an enquiry into so astonishing and unprecedented a transaction. Our character as Britons inculcated that duty upon our minds, and the present deplorable state of our affairs pressed it upon us with irresistible weight. Our armies had been captured in those countries where our

cruelties had been perpetrated. A proclamation, threatening retaliation in the strongest terms, had been issued against us by the General of that very army, an officer of which we had executed in so unauthorised a manner.

His Grace here took an opportunity of stating to the House, the leading facts mentioned in Bowman's narrative, viz. that in the first note received from Mr. Frazer, Town-major of Charles-town, the former acquainted colonel Haynes, that a court of field-officers, would assemble at ten o'clock the next morning, in order to try him. That on the evening of the same day, Mr. Frazer wrote the Colonel word, that instead of a court of field-officers, as mentioned in his note in the forenoon, it was intended, that the court should be composed of four field-officers and five Captains, who would assemble for the purpose of determining under what point of view, he (Mr. Haynes) ought to be considered; that those contradictory letters had been sent to him on Thursday the 26th of July, and that on Sunday the 29th of the same month, a memorandum was brought him by the Adjutant of the town, acquainting him, that in consequence of the court of enquiry, held the two preceding days, Lord Rawdon and the Commandant of the garrison, Colonel Balfour, had ordered his execution on Tuesday next, the 31st instant, at six o'clock, in the morning. That on his writing to Lord Rawdon and lieutenant-colonel Balfour, his execution was respited till the Thursday following:

His Grace dwelt with his usual energy and point upon several of those circumstances, branded the whole transaction as a piece of unwarrantable cruelty, and equally disgraceful to the nation and the profession of arms. It was a transaction, he said, neither supported by prudent justice or martial law. Nothing like it having happened in any former war. In conclusion, his Grace moved, "That an humble address be presented to his Majesty, that he would be graciously pleased to give direction, that there be laid before this House, copies or extracts of papers [here his Grace particularized the several papers] relative to the execution of Colonel Isaac Haynes."

Lord Wal-
ingham.

Lord *Walsingham* said, that there was no one more deeply interested than he was in the general character of the nation—he did not however see that there was any foundation at present for an enquiry, or that the grounds of it were at all attainable. The noble Duke who had spoke
last,

last, had moved for a number of papers, which he was sure were no way connected with the business, and which at present it would be highly improper to grant him. The account which he held in his hand was not authenticated—it was the production of a Mr. Bowman. This person, he was informed, was at New-York at the time when the transaction alluded to happened. He had there copied it from one of the public papers, into which it had been transferred from a manuscript that might be very easily suspected, as it was not authenticated by any person of credit. With regard to Greene's proclamation, on which such great stress had been laid in a former conversation, and now again by the noble Duke, it was evidently founded on falsehood and misrepresentation, it having stated several facts well known to be diametrically opposite to truth! If he was rightly informed, Haynes, considering the nature of his crimes, had been treated with remarkable lenity and indulgence, having violated his oath of allegiance, forfeited advantage he might otherwise have derived from his parole, and thereby subjected himself to the punishment of martial law.

His Lordship said many handsome things of Lord Rawdon; lamented, that officers of such acknowledged merit as his Lordship and colonel Balfour should thus have their public conduct arraigned, and their characters wounded in most tender point, without a syllable or tittle of proof to support such cruel accusations: contending, that in point of candour, when such men were publicly accused upon murmur and flying reports, it would have been but fair, and indeed doing common justice to conclude, that those reports had originated in calumny and misrepresentation. His Lordship concluded, with saying, he conceived that an enquiry was, from the circumstances he had taken the liberty to submit to their Lordships, totally unnecessary.

Lord Abington. My Lord, I troubled your Lordships with a few words upon the present subject of debate, when it was last moved by the noble Duke in this House, and I did so, because being a case of humanity, my feelings were touched therewith; but now, my Lords, I rise the rather to profess my intended silence upon this subject, than to add any thing to what I have already said. To profess my silence, my Lords, because the matter, placed as it is in the hands of his Grace, wants no assistance that I, or any one else can give it. To be silent, my Lords, because what

Ld. Abington.
don.

is this case in comparison with the many others which in precedence thereto, it is the bounden duty of this House to lose not a moment in deciding upon; for what is the case, my Lords? It is the case of a cruel barbarous murder of an individual. But what is the cruel and barbarous murder of an individual, when compared with the cruel and barbarous murders (not one far more justifiable) which the whole of the American war has occasioned? what is this case, my Lords, when compared with that of a noble Peer of this House, solemnly protesting on the records of the House, against the principles of this war, and yet going forth himself, and in his own person, to counteract those principles, and to perpetrate such acts as these? what is this case, my Lords, when compared with the case of one Arnold, who coming to this kingdom with his hands treacherously and traiterously reeking in the blood of his countrymen, to be closetted with the King, to be received at court, to be smiled upon, to be caressed, to be rewarded in contamination and to the disgrace of the British army; nay, what is more, my Lords, to be made the instrument of that delusion to this country, which other refugees, like himself, if he has his fellow, have so successfully for themselves, though ruinously for the nation, promoted and obtained? what is this case, my Lords, in comparison with that of an American secretary failing in his military character, for which he was so justly degraded, and now failing in his civil capacity, under circumstances of the highest aggravation, is yet to be rewarded for this very failure, with the dignity and honour of a peerage? and yet, my Lords, great as these cases are, they are but effects, whilst there still remains a cause still greater, and the greatest of any, and that is, the cause of these effects. A cause, my Lords, towards which it is our especial duty to look; for, my Lords, take away the cause, and the effects will cease; but leave the cause, and the effects will remain.

My Lords, a great and wise peer of this House, the greatest and the wisest that this House ever saw, said, I heard him say it, "that there was something behind the throne of this country, greater than majesty itself." Another peer of this House, of learned authority, explained to my comprehension, that this something, which was greater than majesty itself, was an efficient cabinet. My Lords, this efficient cabinet is the cause of all these effects; and yet, my Lords, this cause is a cause unknown to the constitution

of this country: an efficient cabinet is the king's-evil of this country; it is an excrescence from, and not a part of the body politic; if we are to be such savages, therefore, as to commit murder, let us murder this efficient cabinet.

Ense respiciendum ne pars sincera trabatur. My Lords, whilst this cabinet remains, our evils will remain; and thus whilst your Lordships are considering the case of an individual, thousands are equally perishing under the same fatal influence.

Let me conjure your Lordships, therefore, the rather to turn your eyes from these effects, and let us, like men, look up to the cause that has produced them; let us fix our eyes upon this cause, and let us, my Lords, politically murder (for I mean no more) this cabinet (thank God I am no savage) and in so doing let us appease the manes, expiate the blood of colonel Haynes, by offering up a sacrifice in which even humanity itself is so much interested and concerned.

The Duke of Manchester said, a court of enquiry into colonel Hayne's conduct had been ordered posterior to the idea of bringing him to trial, in the usual form of a court-martial. In lord Rawdon and colonel Balfour's letter, or message to him, an intimation was given him, that he was not to be executed in consequence of the decision of the court of enquiry, but in effect of a power with which they were vested, and a particular resolution to which they had come. There must therefore have been either something very singular in the case of colonel Haynes, or something precipitate on the part of lord Rawdon and colonel Balfour. This was the point which he wished to have explained.

Duke of
Manchester

Lord Stormont said, he could by no means either see the grounds, or admit the expediency of the present enquiry. A variety of arguments might be urged against it. The papers which the noble Duke wished to be laid before the House, had no doubt a general tendency to establish the foundation of a broad enquiry into the transaction. All such enquiries, however, implied guilt and blame, and ought to be avoided, unless upon the most pressing occasions. The officers, who had been the authors of the affair in question, had acquitted themselves well upon every occasion. Neither of them was any favourite of his; but he would leave it to the judgment of their Lordships to decide what effect an enquiry, conducted upon the plan proposed, would have upon the sentiments and character of two British officers, justly esteemed on account of the services they had rendered

Lord Stormont.

rendered their country; and what influence such a transaction might also produce upon the minds of our enemies? the noble Duke who had just sat down, wished to have a point explained, which he considered to be of consequence; it had a reference to the authority and power with which the military are entrusted. He wished, however, to state his opinion on this subject with deference, as he was no soldier. He had always reckoned it a maxim, established upon the most unquestionable authority, that an officer, who, having broke his parole, should afterwards fall into the hands of the enemy, was deprived by his breach of faith of the advantage of a formal trial, and subjected to be executed *instantly*. If colonel Haynes had broken his parole, there was no necessity for bringing him to a trial, according to the rules of military discipline. A court of enquiry was only necessary to ascertain the fact of his being the identical person who violated the principles of confidence reposed in him, and by so doing, had exposed himself to the severities of immediate punishment.

Lord Shelburne.

Lord Shelburne said, when the first step was taken in this affair, he was so much convinced of its useful tendency and of its total disunion from political consideration, that he readily concluded it would certainly meet with no opposition, and that for the honour of the nation it would be considered by all parties with attention and capdour. The noble Lord in the green ribband had advanced a doctrine which to him seemed totally new. He had stated to their Lordships, that an officer who had broken his parole, was liable to be put to death *instantly*, without the form of a trial. This idea he considered as erroneous, and which ought to be reprobated. He would not, however, dwell upon this subject, a fact which had fallen from his Lordship, perhaps deserved a more serious consideration. It appeared very plainly from what he had said, that in America the power of taking away the lives of the people was delegated by his Majesty to the Commander in Chief, and by him delegated to the next officer in authority, and by him to his inferiors. Sir H. Clinton was the officer invested with the supreme authority in America. He had entrusted the power reposed in him to lord Cornwallis; and he, in his turn, had transferred it to lord Rawdon and colonel Balfour. His Lordship begged to know by what authority so important a jurisdiction over the lives of mankind was thus wantonly delegated from one person to another? this he considered as a
most

most serious matter, and of the last consequence to the interests of this country. He was astonished, notwithstanding our late misfortunes, to hear the noble Viscount who had spoke lately, affect the same tone and manner he had done upon former occasions, and enlarge upon the old distinction he had formerly established between the Britons and rebels. The language was too big for the times. He did not know how the noble Lord might view things; perhaps his nerves were stronger than his; but he would acknowledge to him most sincerely, that of late the public disasters had pressed themselves upon his attention with uncommon energy, and had sensibly affected the general course of his happiness. It was now the 4th of February. No general plan of operation, however, seemed to be adopted. Our fleets destined for the East and West Indies were not yet under protection of a convoy; our forces, reduced by the climate and the sword, were not recruited; nor our captured armies replaced. A noble Lord had some months ago formally assured their Lordships, that he would soon acquaint them of the new system that was to be adopted; that he would inform them of the time when, the object why, and the place where. The period was now arrived when he ought to make these discoveries. The eyes of the nation were fixed upon the ministers of this country; all were anxious to know whether peace or war was their object; and it therefore became them no longer to affect a mysterious silence with respect to those who had ceased to place confidence in them, or to trifle with the patience of their fellow citizens.

The *Lord Chancellor* said, he never heard the noble Lord who spoke last but with infinite pleasure; he was so well informed on every subject he spoke to; he was so circumspcct, correct, and minute as to facts and circumstances, and withal his selections as to such parts of the debate as he might think proper to bring forward in a strong point of view, were in truth so judicious, that without wishing to give the noble Earl credit for what he was not entitled to, he could fairly say, that he always heard his Lordship with the greatest satisfaction. He had long observed, that whenever any argument could be urged in favour of a question which his Lordship intended to support, no man was more apt or ready to suggest it, and as a kind of proof, that the motion made by the noble Duke was such as could not be well supported, his Lordship had declined entering deeply into the

Lord Chan-
cellor.

the subject, and seemed willing to avoid all specification, keeping at a distance, and avoiding to enter fairly or directly into the merits of the question, by professing a total ignorance of every circumstance relative to the subject, but what he had read in the *Leyden Gazette*, or what he had learned in the course of the present debate. He said he believed it was the first time since the institution of parliament in this country, that a proposition was submitted to either House, without a single document or scrap of paper to support it; yet such was the motion of the present day. The noble Duke, for whose public integrity and high abilities he entertained the highest opinion, however, stood in that predicament. He had no one document to produce, but a kind of representation or letter, or state of facts, conveyed to him by one Bowman, an obscure man, whom nobody knew, whom the noble Duke himself confessed he did not know; yet, upon such an authority as this, their Lordships, a sovereign power so far as they undertook to act, were very modestly called to go into a solemn enquiry. He too had received a letter from the same Mr. Bowman, he believed at least from some person who had assumed that name, and he was led to believe it was the same man, because the narrative transmitted to him, he could not then tell whether in print or manuscript, seemed to exactly correspond with that received by the noble Duke. He was, nevertheless, free to declare, though the facts contained therein had been correctly stated, that he did not think them worthy of his attention. Under those circumstances he begged their Lordships only to attend for a moment to what was proposed by the motion—no less than to address his Majesty for a whole list or series of papers of the most important nature, none of them, as he conceived, calculated to throw any light on the condemnation and execution of the rebel Haynes, but to treat unmercifully and ungratefully, two very deserving officers. But he would now consider the question proposed by the noble Duke to the House, upon a presumption that the noble Duke's documents were as authentic as those of Mr. Bowman, or any other of the friends of Haynes would wish to represent them. What did this evidence or narrative amount to? but that Haynes, a notorious rebel, being taken in arms, offered to submit upon getting a parole; that government, not choosing to trust solely to his parole, obliged him likewise to take the oath of allegiance, and retire into

the country to his patrimony, but what was the conduct of this man, thus treated and indulged? His employment was that of fomenting faction and rebellion, urging and working upon the doubtful, confirming those of his own stamp, and endeavouring to seduce the loyal, of whom, when he could not make proselytes, he threatened with fire and sword; at length carried his threats into execution, and that in the most merciless, bloody, and treacherous manner. There were several persons of property in his neighbourhood, who stood nearly in the same predicament with himself; those as opportunity served, and circumstances answered, he soothed and threatened, and was sometimes so successful as to bring over to his opinions, under various pretences and misrepresentations, such as the declining state of the British affairs in America, &c. Some however, withstood all his solicitations, and remained firm in their resolution of continuing peaceable, and at last, neutral subjects to the British government. These he particularly marked out as the fit objects of his vengeance, and after giving notice, that he would on a certain day pay them a visit, determined to be as good as his word. He accordingly doomed one of them to destruction, and collecting a body of rebels, surrounded his house, and laid a kind of siege to it. If however fortunately happened for the devoted man, that he had notice given him just time enough to escape being murdered. From thence he and his banditti advanced into the country, and exercised unheard-of cruelties, marking their footsteps with destruction wherever they came; but it luckily happened on the very same day, while in the act of committing those barbarous enormities, he was surprized by a party of loyalists, and made prisoner. So much for the morality of the case, and the public and private virtues of the rebel Haynes: he would now offer a word or two, as to the justice of his execution. He was no soldier, but he fancied he was not totally unequal to the task of comprehending an author, whose opinions were universally assented to by all civilized nations; and of course, whose writings were deemed the true standard, by which persons in military situations were to conduct themselves: he meant that learned man, Grotius, who had written on the laws of nature and nations, necessarily including the laws of war and open hostility, which are besides particularly laid down in that celebrated work. Here his Lordship quoted several passages from,

that author, and from Coccius and Vatel, the two last of whom wrote much later than Grotius, in which it is clearly laid down, that all prisoners, as among common enemies, when taken in battle, are at the mercy of their captors, but that a more civilized and refined way of thinking had prevailed, by the accepting surrenders at discretion, or upon capitulation; which entitled the prisoner to his life, and to future release upon condition; but then it was allowed universally, and asserted without reserve, that a prisoner breaking his parole, forfeited all title to mercy a second time, and it was only necessary to prove his personal identity, to subject him to death *instantly*.

Duke of
Richmond.

The Duke of *Richmond* said he entertained a very high respect for the learned Lord; but no man, be his pretensions ever so high, had a right to make use of indecent language, much less to endeavour to mislead the House by improper ideas pressed on their Lordships minds. The noble Lord, had however, in his conception, offended in both instances. He said, that those who seemed desirous to promote an enquiry into the execution of colonel Haynes, had treated those very deserving officers, lord Rawdon and colonel Balfour, most unmercifully and ungratefully. These epithets could be intended for none but him, and he must say, in point of propriety and decorum, that it was a freedom in debate by no means justifiable, and highly unfitting the learned Lord who made use of it. He must confess he sensibly felt its force, and it was a language he should never pass over without taking special notice of.

But the principle or political maxim, coupled with this very severe expression, had still a worse tendency. What was it? That an officer, who by his services had merited the esteem of his country, was not to be called to account for his subsequent conduct; but that he, who, from public motives should promote an enquiry into it, would act most unmercifully and ungratefully. Now he thought, without entering into the merits of Lord Rawdon and his colleague, that this was a most dangerous maxim to inculcate in that House.

Lord Chan-
cellor.

The Lord Chancellor in reply, affirmed, without reserve, that Haynes, without any form of enquiry, law, or legal trial, was subject to be executed merely by the law martial.

Duke of
Richmond.

The Duke of *Richmond* observed, that the learned Lord had been labouring the greater part of the evening, and had

had given himself an infinite deal of trouble by his quotations from Grotius, &c. to no manner of purpose; for whether colonel Haynes was a public enemy, entitled to the protection of the laws of war between civilized nations, or a rebel subject, caught in an act of treason against his Sovereign, those circumstances were of no manner of consequence, it was enough that he was a prisoner, caught in arms, and that his person was identified, to authorize lord Rawdon, colonel Balfour, or any other officer in command, if they thought fit, to instantly execute him.

Lord *Huntingdon* rose to state a few facts which had come to his knowledge through the officers just returned from America, whom he had seen, and which their Lordships might wish to know. He said that Lord Cornwallis had called on him, and given him authority to declare, that lord Rawdon had acted in respect to Colonel Haynes exactly as he should have done himself, had he been in Charles-town at the time, and that he had executed several persons taken in arms, after having broken their parole, upon whom the same sort of court of enquiry had sat, as was convened and sat on the case of colonel Haynes. He added, that the noble Earl told him, though he could easily delegate a power to hold courts-martial, he could not delegate a power to confirm their sentences. After this, his Lordship explained to the House that a court of enquiry, while a country was under martial law, was not by any means a court to try regularly; it was neither a court-martial nor a court of justice, but was merely conducted on this principle, that those taken in arms after being out upon parole, or under protection, all that in that case was deemed necessary, was to identify their persons, which was executed in the following manner: The delinquents were collected at a certain place, and such as came under the foregoing description, were instantly put to death; and great numbers of persons suffered agreeably to this rule, without any legal or civil proofs, regular enquiry, or trial whatever. With regard to colonel Haynes, his Lordship said, he was informed by officers who knew the facts, that he had, on the capitulation of Charles-town, asked for his parole; that he had been denied it; that he then took the oaths; during the period, he raised an insurrection, and put himself at the head of 200 horse. That not far from him lived Mr. Creighton, an Irishman, who had been forced by the rebels either to supply them with provisions,

Lord Huntingdon,

or to lose his property, but who had likewise come in on the capitulation of Charles-town, and recovered his estate, making it, as it certainly was, a matter of some merit, that he had never been in arms against the British government, but had snerely supplied the rebels with provisions. Colonel Haynes sent to this Mr. Creighton, desiring him to break his parole; Creighton refused, and then Haynes sent him word, if he did not break his parole, and join him, he would come and hang him up at his own door. Creighton still refused, and it was merely on the notice of a friend, giving him but a short time before Haynes's arrival, that by secretly getting off through a corn field, a private way to Charles-town, he escaped with his life. Haynes arrived soon after at Creighton's, did him considerable damage, and proceeded to a house, which Creighton had fitted up as a tavern, and which he had let to Lieutenant Waugh. Haynes killed Mr. Waugh, and took all the people in his house prisoners, and in the midst of the night, was himself taken by colonel Frazer, at the head of a body of provincials, which were originally infantry, but which had been mounted by subscription.

The House divided, for the question 25 ; against it 73.

February 5 and 6.—Private business.

February 7.

Duke of
Chandos.

The Duke of *Chandos* said, he did not mean to embarrass Ministers, collectively or individually: he had no ill-will to any one of them in his private capacity; nor in his public capacity was farther interested in his or their removal, than as he imagined the public were interested, or might be benefitted by the same.

The motion which it was his intention to submit to their Lordships that day, was a proposition that would necessarily embrace a great variety of objects, and include in it an enquiry into the conduct of many persons of rank and authority in the state. It would, in the first instance, as stated upon paper, go to an immediate inquiry into the loss and calamity of the surrender of lord Cornwallis and the British army at York-town and Gloucester. This, he need not urge to their Lordships, must extend their inquiries beyond the transaction to which it had an ostensible reference. He wished not to conceal any thing upon the subject from Ministers. It was a proposition, as he conceived, totally abstracted from the general run of political questions debated in that House; it was not the creature of any party

or

or description of men, in or out of parliament, consequently it came naked before their Lordships, to consider whether it deserved encouragement and public support, or immediate reprobation.

But without farther ceremony or apology, the motives and objects of his motion stood upon a much firmer basis than his feeble abilities were able to point out or illustrate. The sovereign, parliament, and the nation at large, were entitled to be satisfied, as well upon the general principles of the failure of the war as the disastrous accidents which had happened. The capture of two British armies, of considerable strength and number, was a circumstance, he believed, unknown to have taken place during the course of any one war in the modern annals of mankind; but he meant to confine himself at present merely to the disaster at York-town.

He should not have presumed to have troubled their Lordships upon speculative reasoning, mere general rumours, or personal considerations. He should with equal care endeavour to avoid those subjects which were so apt to mix themselves in the discussion of all political questions. He appealed to their Lordships on the broad ground of justice, of that national justice which every man in this country had a right to demand, and which it was their Lordships peculiar business to administer, as statesmen, members of parliament, and possessing in themselves a judicial, as well as legislative power.

He would mention a circumstance or two, if any were wanted, which would probably ensure success to the proposition he was about to move; the first was, that of the noble Viscount in the green ribband, who asserted without reserve, that the calamity at York-town was a signal and a fatal one, and if the authors of that calamity could be discovered, and their criminality fairly brought home to them, "that man, be his rank, pretensions, or services ever so high or conspicuous, would deserve to be brought to immediate and condign punishment."

A noble Lord in high office, and in his opinion spoke in still an higher and more peremptory tone, (lord Hillsborough) for he affirmed in that House, not very long since, that an inquiry ought to be instituted into the cause of the loss of the army under earl Cornwallis, and that it would most certainly be instituted.

His

His Grace then moved, "That a committee of the whole House be appointed on Monday next, to enquire into the causes of the calamitous loss of the army commanded by lieutenant-general earl Cornwallis, and made prisoners by the United States of America, and the troops of France, at York-town and Gloucester, in the province of Pennsylvania."

Lord Sturmont.

Lord *Sturmont* said, whatever part he might hereafter take in respect of the objects of the inquiry, he nevertheless must, in regard of his Sovereign, his country, and the undoubted right of Great-Britain, rise to oppose any motion which amounted to a recognition of the independency of America. He thought it fit therefore, thus early in the day, to apprize the noble Duke, who was entitled to every degree of deference and candour it was in their Lordships power to bestow, be the question modelled as it might, he would assure the noble Duke, that if his motion was pressed in its present form, he would, as fully declarative of his dissent, take the sense of the House upon it. It would, as he apprehended amount to a recognition of American independence, he meant the concluding words, which stated, that Lord Cornwallis and his army had surrendered to the United States of America.

Duke of Chandos.

The Duke of *Chandos* replied, that he believed the noble Viscount in the green ribband had mistaken the sense of his motion. It was not an assertion of any right of independency, or any other right he knew of; for the whole of the motion, but the mere form, was no more than a correct transcript from one of the articles signed between lord Cornwallis, as commander in chief of the British forces, and general Washington, commander of the United States of America.

Duke of Grafton.

The Duke of *Grafton* said, as there appeared some disposition in those who represented Government in that House, not to oppose the inquiry, he wished that the motion might be amended, and if it did not go to defeat the object of the noble Duke's proposition, he made no doubt but his Grace would agree to amend it, so as to remove the objectionable part. He agreed with the noble Duke, that stating a fact, copied from the articles of capitulation at York-town, would not amount to a recognition of the right of the independency of America, but still he thought it better to meet the noble Viscount half way, than stand out for what appeared to him little more than a mere matter of form. He was not prepared to move any thing regularly,

but under favour of the noble Duke he would just beg leave to suggest the introduction of two words, "stiling themselves" the United States of America, &c.

Earl Gower seemed to agree in a great measure with the noble Duke who spoke last, but could not coincide so far with his opinions as to think it all necessary that the motion, even as proposed to be amended by the noble Duke, should be adopted; because, though such a narrative amounted to nothing positive, it would be extremely improper that that, or the other House of Parliament should, by a solemn act, recognize in any form the United States of America. He wished therefore, as both sides of the House seemed rather favourably disposed towards the inquiry, that the motion might be framed in such a manner as to put an end to a controversy upon the mere point of form.

Lord Shelburne said, he would go as far as any man to conciliate the noble Viscount and the noble Duke; but he must confess how much soever he approved of what had fallen from the noble Earl who spoke last, he could not see the matter in the same point of view: if he had, he would be one of the first men in that House who would rise to oppose such a recognition, and scout so improper an idea out of the House. His principles on the subject were well known; he had repeated them from year to year in their Lordships hearing, that he never would consent, under any possible given circumstances, to acknowledge the independency of America. He knew those ideas, both within and without doors, were in some measure unpopular, but he preferred the performance of his duty, and the discharge of his conscience, to every other consideration. He was known to differ from his most intimate friends and respectable connections on the subject. But for his part, as he wished to give his opinion without reserve, he could not for his soul discover how such a motion, as it would stand if amended by his noble friend, who sat near him, had the most distant tendency to recognize or establish the presumed independent claim of America, under the description of the United States.

Lord Stormont rose, and said, that whatever opinion might be entertained of the motion offered by the noble Duke, or taking it up upon the idea of the amendment suggested by another noble Duke (Grafton) he was clearly of opinion, that the amendment would not remove the difficulty; and in that he perfectly agreed with a noble Earl (Gower)

(Gower) who rose early, that it would be extremely improper to adopt the language of those, styling themselves the United States of America, in a British House of parliament. He admired the candour of the noble Duke who made the motion upon many accounts, and upon none more than his apparent readiness to submit the modification of his motion to either side of the House.

The noble Duke reminded him when he first rose, of an expression which had fallen from him in the course of a former debate—"That whoever were the authors or cause of the calamity which had happened at York-town, if clearly pointed out to the satisfaction of the public, deserved to be brought to immediate and exemplary punishment." But he begged leave to remind the noble Duke, that he likewise added, that although it might be very proper to institute an inquiry into the loss of the army at York-town, the mode of inquiry was a point well worthy of previous consideration, because there were military inquiries, and other modes of discovering truth; and that he did not mean now to give an opinion upon a subject, which seemed to carry the sense of the House with it, he was free to declare, that as far as his experience, or memory served him, he never recollected an instance, in which a parliamentary inquiry answered any beneficial or truly national purpose, whereas there were, he believed, many instances known, where it produced a direct contrary effect. But waving for the present any prospective view of inquiry, or its possible consequences, to give up the motion, and consent to omit the objectionable words.

D of Richmond.

The Duke of *Richmond* said, the words "United states of America" struck him as essentially necessary to the motion. A great part of the enquiry might possibly be directed solely to that point, and the surrendering to the arms of the United States of America, might turn out to be the chief matter of blame. Besides this, the words struck him in a very different point of view from that in which they had impressed the minds of the noble Lord in the green ribband; they were not declaratory on the part of the House, they gave up nothing, they conveyed no acknowledgement either of one kind or other; they were words merely descriptive in their nature and in their application. It was perfectly new to him, his Grace said, to object to descriptive words. The practice of the House had hitherto been of a different kind; and must be so now

now again, as formerly, if the House found it necessary to vote a libel; suppose, for instance, it was publicly asserted in print, that King James was the rightful Sovereign of England, and that the crown ought to have gone to his descendants, in voting such a publication a libel, the House necessarily must describe the libel in its own phrases in their vote; but would any noble Lord contend, that the House either acknowledged, asserted, or declared King James to be the rightful Sovereign, or his heirs entitled to the crown? Certainly there was not a man in the kingdom so absurd as to maintain such an argument; the case was the same with regard to the noble Lord's motion. But the noble Lord in the green ribband went farther, and said, "were the words United States of America to stand on the Journals, it would be giving up the essential rights of the nation." If any essential rights were given up, the Duke said, they were given up already; Lord Cornwallis and the other British officers, who had signed the capitulation, had done it; that matter therefore, and all idea of the recognition of the independence of America, was now past consideration. With regard to the objection to the earliness of the day, that difficulty, his Grace said, might easily be removed by either dividing the motion, or by debating the main point, viz. whether a Committee should be appointed or not, and then after that was decided, agreeing upon the day when. This, his Grace said, was the frequent practice of the other House of Parliament.

The motion was at length amended thus; "That this House will, on Monday next, (the 11th) resolve itself into a Committee of the whole House, to enquire into the causes of the calamitous loss of the army under Lieutenant-general Earl Cornwallis, by being made prisoners of war at York-town and Gloucester, in the province of Virginia." And agreed to.

The Marquis of *Carmarthen* rose and said, that he understood a person who had in his military character, been publicly degraded in his military character, was shortly to be called up to that House. He did not mean to dispute the prerogative of the crown; but he thought the creating such a person a peer was a disgrace to the House. He felt in his own breast, and he trusted every one of their Lordships must be impressed with feelings of a similar nature. He called therefore upon the House for instruction and assistance; he knew not what sort of motion to frame,

Marquis of
Carmarthen

nor what step it would be regular and orderly to take, previous to the disgraces falling upon the peerage, to mark their sense of the circumstance; and in doing this, he solemnly protested he was actuated by no motive of a political, an invidious, or a personal nature; he sincerely pitied the individual who laboured under such a heavy load of stigma, as in his mind was contained in the sentence in question, a copy of which he held in his hand. It was on that account, and that only, that he thought it a dishonour to the peerage to have such a person made a member of it. If the sentence had been altered upon a revision of the facts that came out on the trial, and done away, as much too severe; in short, if the marked disgrace it affixed on the person, made the subject of it, was removed in any way whatever, he should think all objection removed instantly, but while the sentence remained in full force, he could not but conceive it to be an ample reason for their Lordships coming to some resolution, expressive of their opinion upon it. This feeling struck his mind, as soon as he heard the report, and he had communicated it only to one man living, though he had, that morning, conversed with noble Lords, then in the House, on other topics, so conscious was he that the bare mention of it would be sufficient to induce every one of their Lordships to feel, as men jealous of their honour, must necessarily feel on such an occasion.

Finding no Peer rite immediately, his Lordship got up again and moved,

“That it is derogatory to the honour of this House, that any person, labouring under the heavy censure comprehended in the following sentence of a court-martial (the sentence was here inserted) and public orders given out in consequence thereof, should be recommended to the crown to be raised to the dignity of a peerage.”

When the Marquis came to the sentence and circular order, he read them to the House.

Lord Chancellor.

As soon as the Lord Chancellor received the motion, and had run his eye through it, he left the woolsack, and informed the House, that he felt it to be his duty to state to their Lordships, that it would be, in his mind, altogether irregular and disorderly, even to put such a motion, as that which he held in his hand. The motion turned altogether upon a fact, by no means before the House, and surely it would be extremely hard, and very inconsistent with their Lordship's usual liberality and candour, to annex so severe a

censure,

censure, as the censure of that House, to a sentence supposed to have passed on a certain person therein named, at a particular given time, but to all which facts, viz. the demerits of the party that called upon him such a sentence, to the sitting of the court-martial, to their having declared such a judgment, and to the other matters stated in the supposed circular order, the House was at that moment, in point of parliamentary form, utter strangers. Having stated this, his Lordship submitted it to the noble Lord, who had drawn up the motion, whether it was in point of correctness, or in its tenor and purport such a motion as he in his cooler consideration would wish to have inserted on the Journals?

Lord *Denbigh* rose, and objected to the motion, as very extraordinary, and as altogether unprecedented. His Lordship stated, that the court-martial was held when a particular complexion of politics prevailed in the cabinet; that only four years afterwards, when a different administration came in, the noble Lord aimed at by the present motion was, at the desire of that administration, restored to his seat in the privy council, an evident proof that the ministry of that day (the chiefs of whom were now in opposition) thought the noble Lord's advice of great importance to the state. He had since been distinguished as a minister worthy of his sovereign's confidence. The crown undoubtedly had a right to bestow the honours of the peerage as it thought proper, and conceiving the present motion to be altogether unnecessary, he should conclude with moving to adjourn.

Lord *Abingdon* said, the person who was the subject of the motion made by the noble Marquis, had been the greatest criminal this country ever knew. He had not only disobeyed the orders of his Commander in Chief, when in a military capacity, but he had been infinitely more gaily in his civil situation of late years. He had been the author of all the calamities of the war, and all the distresses which Great Britain now groaned under. It was to his bloodthirstiness, to his weakness, his wickedness, and his mismanagement, that the war had been prosecuted at so large a waste of blood and treasure, and with such a miserable repetition of ill success. He, therefore, ought not to be suffered to come into that House, and contaminate the peerage. Lord Abingdon.

The Duke of *Richmond* said, certainly the noble Earl had a right to move the question of adjournment upon the motion; but if the ministry suffered a matter of so much importance to be got rid of in that manner, they would act Duke of Richmond.

more contemptibly than even he could have thought them capable of. He was astonished at their silence on a motion of that kind, and still more at their acquiescing in the motion of adjournment. Was he the person in question, made the subject of the motion, he should think himself extremely ill used, and complain loudly of such treatment. For God's sake, had not ministers a single word to say in defence of their colleague? Were they so much at variance with each other, that when a matter of this kind came on, they neither dared meet the motion with defiance, nor attempt to palliate the imputed guilt of their brother Minister? Would it not be wiser to debate the motion, than pitifully to move an adjournment? the Duke said, he was most heartily ashamed of the conduct of ministers that day.

Lord *Stormont* said, he knew not that the noble Lord in question stood in need of any defence! With regard to the present motion, it clearly trenchd up the prerogative of the crown; it trenchd up a right inherent in the sovereign, which even the noble Marquis, who made the motion, had felt himself obliged to confess was indisputable. He knew of no disqualification for the peerage short of legal disability; and therefore, when any other was attempted to be urged within those walls, he should consider it as an unconstitutional attack on the prerogative, and should always be of opinion that a motion for adjournment was the proper way of getting rid of it.

Marquis of Carmarthen The Marquis of *Carmarthen* said, he had drawn up the motion hastily, and therefore it might possibly be liable to the charge of incorrectness. He begged, that their Lordships would recollect, that he had desired their assistance. With regard to the argument of the noble Lord in the green ribband, that nothing short of legal disability ought to excite the alarm of the House, perhaps the noble Lord was not aware how far that argument went. It was rather ludicrous to adduce such an instance, but according to the same mode of reasoning, the King's chimney-sweeper might be made a Peer, and undoubtedly the right to create such a Peer was inherent to the prerogative of the Crown; ought such a creation therefore to take place? Undoubtedly the noble Earl had a right to move the question of adjournment on his motion, but this he would assure their Lordships, Ministers should not get rid of his motion that way, for he was determined to make it from day to day, till something satisfactory was done upon it.

Lord

Lord *Abingdon* declared, since legal disability was all that would do to prevent the House from being tainted with the admission of such a member, if he was sent up there, he would do his business, as he had in his own house, ample materials to make the ground-work of an impeachment, and which he would certainly produce, if the person in question attempted to come among them. The Earl declared, he hoped there were those in the House, who were ready to run to their master, and give him an account of what had passed that day upon the subject. If they gave him a true account, probably the effect would be, a rescue of the House from the contamination they were threatened with.

Lord *Derby* lamented that the noble Marquis, who had acquitted himself with so much dignity and so much spirit, should be so ill supported, on a point of very serious importance, in his consideration. He declared he thought it a great and serious insult to their Lordships, to see a person created a Peer, whose disgrace was entered in the orderly-book of every British regiment.

The Duke of *Grafton* spoke in support of the motion. The Earl of *Shelburne* rose just as the Chancellor was putting the motion, and said, it gave him extreme pain to take any part in the present debate, and the more so, because very early in life, before he was of an age to be a member of either House of Parliament, (and before he knew enough of the world, to discover of how very little importance to mankind it was, that so insignificant an individual as he was, made one of the number of society,) he had suffered many professional injuries from the person who was the subject of the debate. Smarting with a sense of those injuries at the time, a sort of enmity had taken place between him and the person in question; from the moment, however, that he saw the sentence of the court-martial, and the orders which had been read to the House, and which now made a part of the motion, he called upon God Almighty to witness, that he had neither privately nor publicly, directly nor indirectly, in thought, word, or deed, done that person the smallest injury, or bore hard upon him on any occasion whatever. Indeed his moderation in that respect had more than once been noticed to him by his friends, and he had experienced opportunities of explaining to those, who put the matter to him, the reasons of his conduct. He hoped therefore, that what he should

should now say, would not be imputed to the lurking and latent seeds of an old hatred of twenty years standing; solemnly protesting, every spark of that animosity was finally extinguished. He said, however unpopular the opinion might be, he had not the smallest objection to the King's being his own minister. He did not know, but the King's having an opinion of his own, and feeling his interest in the management of the affairs of the realm, might be better for the general weal than his remaining a type of a mere King of Mahrattas. For fear their Lordships might not know what a King of Mahrattas was, from not having lately read so much of the history of India, its government, and its customs, as he had done, he would inform their Lordships, that a King of the Mahrattas was a mere nominal monarch; he had his Pechaw, a cabinet who were efficient, and who, to all intents and purposes, held and directed the reigns of government, while they kept the King locked up, and in pretty nearly a state of idiotism. He declared, in every moment of his life, he had ever endeavoured to treat his Majesty with that profound respect due to his person, and with that reverence so infinitely due to his situation. His loyalty had remained the firmest principle in his bosom, and in all situations, and on all occasions, he had studiously kept the duty of a faithful and respectful subject in view. He might, therefore, he hoped, be permitted, without charge of the smallest indecency, to say, that when the prerogative was exercised to its fullest extent, he wished to God to see the Parliament free. A high-toned prerogative Prince; and a servile corrupt Parliament, was the strongest symptom of despotism and tyranny. He could not, therefore, but anxiously wish to see a perfect representation of the people, and when that happy time arrived, he should be grounded in entertaining a reasonable expectation of better prospects. It had been imagined, that the House of Peers had it not in their power to right itself against the extraordinary stretches of prerogative. The supposition was founded in error. An author, whose works he had read some years since, the chief of which was a book upon the Peerage, written by Lord Chancellor West, pretty clearly evinced to his mind, that there were latent powers belonging to the House of Lords, which if called forth by sufficient occasion, and duly and spiritedly exercised, were equal to the correcting of any abuses of the prerogative that might be attempted. A noble Earl had termed the present a very extraordinary motion.

Good

Good God! were not these very extraordinary times? Who would have owned himself so gloomy in his ideas some years ago, as to have acknowledged, that he even imagined it possible, that a day would have arrived, when that House should have resolved to institute an enquiry into the cause of the surrender of a second army into the hands of the Americans, and that it should have been a matter of doubt and debate in that House, whether they ought or ought not admit a motion to pass in its original form, because some of the words seemed to carry in them a recognition of the independence of America. No man, the wisest that ever existed, would have pretended to have foreseen a possibility of two such events happening in the course of one day? His Lordship took notice of its having been said, that lord George Germain was restored to the Privy Council by the Rockingham administration. He declared he had not been a member of that administration, though he was free to say, it was composed of able and honest men. When he agreed to take a situation soon afterwards, he excepted to the measure alluded to. A noble Earl, now no more, with whom he had been in the habits of living on terms of great familiarity, had excepted to the measure likewise, and he perfectly recollected, that when it was pressed upon the noble Earl to pursue the person now alluded to in the House of Commons, and to make his expulsion a consequence of his disgrace, the noble Earl, with that wisdom and sagacity that ever marked his conduct, refused to do so, and that for the wisest reasons. He remembered, that the noble Earl, on being desired by a person of great authority to enforce the weight of government against the noble Lord, refused to do so for very good reasons; he was answered in these words: "Well, Sir, I wish you much joy of the company you choose to keep." The reason why the Earl refused to aim the vengeance of government against the party in question, was no other than the consideration that the noble Lord represented a family borough, and their Lordships well knew what family boroughs were. Had the party been expelled the House, the Earl wisely argued, how was he to know that he might not be chosen and rechosen again and again in spite of repeated expulsions? His Lordship said, there was an essential difference between the person in question being allowed to sit in the other House, and being suffered to come up there. There was a great distinction surely between the one House and the other, however the other House might entertain a different idea. In its real constitutional

constitutional point of view; no man thought more highly of the House of Commons than he did; it was then a truly respectable, a truly useful branch of the legislature; but when sunk into corruption; when it became the mere creature of the minister, and affected to be a kind of septennial nobility, without the real dignity, and a lesser aristocracy without the means, the situation, and the real personal interest in the state, it became an object of public contempt, and an instrument of public danger. With regard to the person now designed to be created a Peer, he called upon the learned adviser of the crown, and asked, why, when it was first thought of to make that person a Secretary of State, those who had held such a strong language of "Kill them, or they'll kill you;" and who had declared, "We had passed the Rubicon," before any other person knew we were seriously at war with America, had not acted in conformity to their high-sounding tone, and made their actions accompany their words? why they had not behaved like men of integrity, and gone to the Sovereign, and advised him honestly and wisely, to employ those men only as instruments in the planning, direction, conduct, and execution of an attempt of such infinite importance, as an attempt to recover America, who were the most unexceptionable in every respect, both here and in America, and the most likely to prove successful instruments in the greatest work this nation ever took in hand. In appointing the noble Lord to the secretary of state, and intrusting him with the management of the war, they in a manner began the war with the grossest insult to America that could possibly have been devised.

The House, at ten o'clock, divided on the question of adjournment.

Contents	61	Not Contents	26
Proxies	14	Proxies	2
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Total	75	Total	28

February 11.

Duke of Chandos.

The Duke of *Chandos* said, he thought it unnecessary to enter into laboured arguments, or collateral reasonings, in support of the several motions he should make for papers. One short argument would be a good substitute for every other. Their Lordships had agreed to the necessity of the inquiry. He relied on the wisdom, sound policy, and support of that House; on the co-operation of every real friend to his country,

try, and as the basis of the whole, he relied on the justice of the enquiry. His Grace added, his grand object was to fix the attention of the committee to what only was worthy of it, and that could not be effected in any manner so well as by moving for such papers as had an immediate relation to the enquiry. This he doubted not, would save much trouble, and greatly accelerate their Lordships proceedings.— His Grace moved, “That an humble address be presented to His Majesty, praying, &c. that he would be pleased to give directions to the proper officer, to lay before the House, of all dispatches and papers, which have been transmitted by any of his Majesty’s ministers to lieutenant-general Sir Henry Clinton, in the year 1781.”

Lord *Stormont* said, the noble Duke who made the motion, had displayed throughout the whole of his conduct, so much candour and moderation, that without affecting to say a syllable more than he sincerely meant, it was very disagreeable to him to stand up so frequently to object to what had been submitted to the House by his Grace, but yet his duty, as a person occupying a place of confidence in his Majesty’s councils, would not permit him to assent to it in its present form. Instead of copies of papers, he would insert all copies “or extracts” of papers transmitted, &c. This would do away the objectionable part of the motion, and prevent those mischievous consequences which must ensue, if matters which ought to be held inviolably sacred, should be exposed to public view and inspection.

Another part of the motion he meant to object to, was, confining the information to the year 1781. That would give but a very imperfect idea of the communications the noble Duke wished to obtain: it would besides operate partially, both in respect of individuals and transactions; he therefore, instead of narrowing the motion, would extend it to the years “1780 and 1781.”

The Duke of *Chandos* said, the amendment to insert the words “or extracts,” would in part defeat the enquiry, which was at once deserting what the House seemed to be unanimously of opinion became an act of necessary justice. The other objection to confining the papers to the year 1781, was, in his apprehension, if possible; less founded; for what was the object of the enquiry? The very words in which the vote passed, declared it to enquire, &c. into the loss at Yorktown and Gloucester. He was astonished how the most

fertile imagination could combine the disaster at York-town with the transactions of the year 1780.

Lord Chan-
cellor,

The *Lord Chancellor* observed, that if the motion was agreed to, as moved by the noble Duke, it might lead to very serious consequences, and those of a nature less thought of or foreseen, than perhaps the noble Duke was aware of. For what was it less than this: faithful transcripts or copies of all instructions, letters, &c. which had passed between any of his Majesty's ministers and Sir Henry Clinton, during the year 1781. Surely the noble Duke, if he took but half a moment to reflect, must see the dangerous tendency of such a motion. An exposure of matters of the greatest consequence, perhaps some of them relative to affairs not proper at all in the present moment for public discussion. The fact was, that whatever papers got on their Lordships table, the contents did not long continue a secret; and whatever information they contained, was shortly made known to the enemies of this country. Indeed, such was the mode of parliamentary proceeding, it was a cure, for which, in his opinion, no remedy could be provided.

Duke of
Richmond.

The Duke of *Richmond* said, he was astonished to hear serious objections made to the reasoning of the noble Duke's motion, particularly after his Grace had manifested so many instances of almost unparalleled candour.

The enquiry was undoubtedly thought unnecessary, as it was universally agreed that blame was imputable somewhere, whether to the ministers at home, or the admirals or generals abroad was not the question, but who was the individual or joint cause of that melancholy disaster, the loss of a whole army, and the defeating the expected fruits of a whole campaign, which had cost the nation so many millions.

To ascertain the blame, and fix it only where it was justly due, if he conceived rightly, was the sole and proper object of the enquiry, and how could that be possibly effected, unless the copies of the whole of the correspondence were before the House, which copies would equally serve to develop the conduct of ministers, admirals, and generals; but ministers being parties in the cause, and having the power of modelling the information, it might be fairly presumed, that they would not be very ready to furnish evidence against themselves.—It bore he must confess, a very suspicious appearance, and so far as speculation justified prediction, early foretold, that whoever might be blameable, it was determined that ministers should share no part of the censure.

Lord

Lord *Stormont* said, the noble Duke who made the motions had more than once reminded him of his pledging himself to support the motion, or at least granting the propriety of an enquiry into the loss at York-town. The latter he certainly gave as his opinion, and the former he adopted as soon as he understood the House approved of it; but in neither instance, did he hold himself bound to follow the opinions of others, respecting the mode of prosecuting the enquiry, or any other circumstance whatever, but such as might satisfy him that he was pursuing the paths of justice and policy, and of course such as brought home conviction to his own mind that he was acting right.

The Duke of *Richmond* in this short speech, contended, that extracts instead of copies, in many instances, would defeat the great object of the enquiry; for the question was this, not whether it would be proper to leave out matters containing secrets of state, the want of which was still depending, but whether any material national benefit could be rationally expected from extracts of papers.

The Duke of *Chandos* said, as the noble Lord on the woolsack seemed rather to wish that the business before the House should be expedited, and offered a reason which very forcibly struck him, he was contented to agree to the amendments moved by the noble Viscount. The amendments were accordingly put, and agreed to.

His Grace's second motion was, "That an humble address, &c. that his Majesty will give directions to lay before this House, copies or extracts of all instructions or orders sent by any of his Majesty's ministers to lieutenant-general Sir Henry Clinton, touching the operations of the army under his command, or any detachment thereof, in the years 1780 and 1781." Agreed to.

His Grace's third motion, after the usual introduction, "was for copies or extracts, to lieutenant-general earl Cornwallis, touching the operations of the corps under his command, in the years 1780 and 1781."—After a short debate agreed to.

The fourth was for "copies, &c. of the correspondence, between earl Cornwallis and Sir Henry Clinton, touching the operations of the army under lord Cornwallis, and particularly to his Lordship's taking post at York-town and Gloucester."—Agreed to.

The fifth, which produced a debate of some length, was for "copies of all instructions from the Admiralty to vice-

admiral Sir George Rodney, and rear-admiral Graves, touching the reinforcement intended to be sent to the fleet in North America, in 1781."

Lord Sandwich.

Lord *Sandwich* rose to oppose this motion. He stated, that when Sir George Rodney was sent to take the command of the squadron destined for the West Indies, he received general instructions how to act upon his arrival in those seas, which were to continue as standing instructions, so long as he remained in command, and were to be followed by his successor upon the same station. It would, therefore, in his opinion, be extremely unfair, if not dangerous, to agree to the motion made by the noble Duke, which had no other object in view but such particular instructions as might have been transmitted within a very few months in the year 1781. Instead, therefore, of adopting his Grace's proposition, he would move, "that the general instructions sent out with Sir George Rodney, in the year 1779, be laid before the House."

Duke of Manchester.

The Duke of *Manchester* wished the noble Earl would explain himself, for at present he was totally at a loss to guess at his meaning. Did the noble Earl wish to persuade the House, that instructions given in 1779 were better documents for their Lordships to proceed upon, respecting the capture of earl Cornwallis in September 1781, than the recent orders transmitted to North America and the West Indies, for the purpose of recommending the most speedy and effectual means of preventing that fatal disaster?

Lord Sandwich.

Lord *Sandwich* replied, that none of the naval officers had acted under any other instructions than those originally sent out with Sir George Rodney; that they were standing instructions, which were to govern during the continuance of the war, unless specially varied; that the great object was, the operations to be carried on in the West-Indies and America, and the means of giving the plan success was conducted in a two-fold manner, that was to say, when the naval force of France was in the West-Indies, to take care, after the campaign was finished in that quarter, whether it might not be transferred to North-America, and so *vice versa*.

Duke of Manchester.

The Duke of *Manchester* rose a second time, and confessed himself as ignorant of what the noble Earl seriously meant as before, for the naked import of it was this: I will inform you of what you do not seem desirous at all to know, but you shall not be acquainted with a single fact in the least applicable or pertinent to the question. His Grace farther intimated the impropriety of submitting nakedly to that House, what

what ought, for the most obvious reasons, to be kept a profound secret.

The *Lord Chancellor* said, though he did not entirely approve of the noble Duke's motion, as being probably too limited, he had at the same time what appeared to him a very material objection to make to the amendment, moved by the noble Earl; because, among other reasons against his Lordship's motion, that alone hinted by the noble Duke who spoke last, appeared to him to be a most cogent one; he meant laying upon their Lordships' table general instructions given to Sir G. Rodney, in the year 1779, under which, as he apprehended, every naval officer in the West Indies and North America was at that very instant acting. As to the necessity of agreeing to the noble Duke's motion, or of totally rejecting it, he was not prepared to speak, but this however appeared tolerably clear to him, that it would be very improper to agree with the motion made by the noble Earl.

Lord Sandwich said, he was not convinced by any thing he had yet heard on the subject, that he was wrong; the same means might be used in regard of the instructions, as respecting any of the other papers moved for; but as the learned Lord had entertained a different opinion, he was contented to withdraw it.

The Duke of *Chandos* said a few words, declaring his willingness to compromise the matter, and that he had no other view but the general welfare; and if that object was attained, he was extremely indifferent respecting the means by which it was effected.

The Duke of *Grafton* wished to know, whether the noble Earl was satisfied, that producing instructions of so old a date, might not be dangerous; while at the same time they would be barren of all efficient information, at least such as would be worthy of the notice of that House.

Specifications were omitted, and the motion run in substance thus: "That copies or extracts of all instructions, &c. transmitted by his Majesty's Ministers from the year 1779, to any of his Majesty's naval commanders, serving in the West Indies, or North America, be laid before that House."

The sixth motion was in substance, "That all accounts received by any of his Majesty's Ministers, relative to the preparations making by France to send a Squadron under *Monsi. De Grasse*, to the Chesapeake; also the correspondence which passed between *Sir Henry Clinton* and *Earl Cornwallis*,

wallis, relative to the information one or both of them might have received respecting the intentions and preparations making by Rochambeau and General Washington, previous to their march into the Jerseys, on their way towards Virginia," &c.

Lord Stormont.

Lord *Stormont* said, he hoped the noble Duke would not persist in that motion. He considered that the granting of intelligence, similar to that now asked for, was a matter of so important, so serious, and so dangerous a nature, that he would not even venture to enter into a statement of the reasons which struck him so forcibly as insuperable arguments against any such motion's being acceded to, that he was convinced if they struck upon the noble Duke's mind but with half the degree of impression that he felt, would be sufficient to induce him to withdraw his motion. It was his duty to object to every motion, which threatened danger to the interests of his country; he thought it necessary to declare, that he must oppose the motion, if persisted in, and take the sense of the House upon it.

Duke of Chandos.

The Duke of *Chandos* said, he was far from being convinced by the noble Lord's arguments, that it was either necessary or prudent to withdraw his motion. He considered it as the ground-work of the whole enquiry, and when it was recollected, that it was neither for copies nor extracts of the intelligence that had been received, but barely the substance, he moved for, and that the latter would remain to be digested according to the wisdom and discretion of Ministers, who would necessarily be left to give as much or as little of the communications they had received, as they thought proper, he trusted no impartial Peer would be of opinion, that the smallest danger to the state could arise from such a motion's being acceded to. For his part, so perfectly was he persuaded of the innocent effect of granting it, that he was determined, if the noble Lord persisted in opposing the motion, and should be able by his influence to carry it against him, to abandon the enquiry altogether, and give himself no further trouble about a matter, which he was denied the means to carry in to execution.

Duke of Richmond.

The Duke of *Richmond* supported the Duke of Chandos, and said, what was now asked for, was no more than what the Journals of the House shewed had been granted in a variety of instances; it had even been granted this war, with regard to the movements of the fleet at Ferrol and Toulon, that were to sail under Monsieur D'Estaing. Nay more, it had

had been granted to the other House on a very recent occasion. His Grace said the phrase and substance of the intelligence, obviated every possible objection, and was a modification unknown to Parliament till the present session. He ridiculed the idea of Ministers dreading that it should be discovered that they had any information, though so much money was paid by the public for that service. If the present motion was not carried, it could not be discovered that Ministers had received intelligence, which they had neglected to communicate to the officers in America; a circumstance, which he scrupled not to say, he strongly suspected, and which certainly would not appear in the letters already moved for.

Lord Stormont said, he was sorry the noble Duke and he differed so widely. He trembled, he said, even at the commencement of his stating those reasons to the House, for fear that, however cautiously he might proceed, he might accumulate fresh danger, and he should tremble still more in proportion as he proceeded. The noble Duke had stated, and truly stated, that copies of the substance of the intelligence received relative to the sailing of the Toulon and French fleets under the command of Monsieur D'Estaing had been laid before that House. The great respect due to their Lordships and their proceedings, forbade his calling in question in the smallest degree the motives upon which the House had acted in that particular; but without charge of indecency, he trusted he should be permitted to say, that the intelligence then called for, was mostly intelligence collected before the commencement of the war, when we had ministers resident in the several ports of France, whose duty it was to collect intelligence, who could not, if they were not very inactive indeed, avoid collecting it, and with whom it was perfectly legal to correspond. The case was widely different in the present instance. In regard to the former one, he spoke with confidence, because he related a well ascertained historical fact, when he declared, that to his knowledge, the producing of the papers then called for, had been attended with great mischief to the country, as well as consequences that must be shocking in the consideration of every mind susceptible of sensibility, to those affected by them more immediately. The difficulty occasioned by that discovery, was one, and that a very important one, among the many arduous impediments which those who had ventured to attempt to guide the vessel of state through the present dangerous storm, had to struggle

gle with. If the present motions were acceded to, he was persuaded this country must bid adieu to all hopes of good intelligence in future. Let their Lordships for a moment consider to what it went, the place of destination of Monsieur de Grasse's fleet! Good God, was it possible for rational men to think a moment, and not recollect, that the destination of a fleet must be a secret known only to a few? On the nice concealment of the source of intelligence of that nature depended all our probability of future success. He recollected a case, which though not immediately parallel to that of the motion now under consideration, nevertheless, would serve to illustrate it, and which struck him as a very forcible one. In Lewis the XIVth's reign, a secret project was determined on, and communicated to three persons only, to the Sovereign, and his two Ministers, Monsieur de Louvois and Monsieur de Turenne. The English cabinet got at it not by the means that France imagined. The French king, on finding it was discovered, by the court of Great Britain, said to Turenne, at Versailles, "This secret was known to only two persons, beside myself, and it has been betrayed; I am sure, Turenne, you are incapable of such a breach of trust, and therefore I know who has been guilty of it." Turenne, whose mind would not suffer him to bear, for a moment, such an aggravation of guilt, as an attempt to shift it upon the shoulders of another, said directly, "Sire, behold the criminal! I confess to your Majesty, that I was weak enough to betray it to my mistress." His Lordship said, undoubtedly the destination of Monsieur de Grasse's fleet was not a secret of the same complexion with that entrusted to Turenne and Louvois, but the story, he conceived, was not an unapt illustration of the danger of giving an enemy a chance of guessing who was the person that sent intelligence of the destination of their fleets. He concluded with saying, if the noble Duke persisted in his motion, he should take the sense of the House upon it.

**Duke of
Manchester**

The Duke of *Manchester* declared he was astonished at the objections offered by the noble Lord in the green ribband; they amounted, he said, to a declaration, that all enquiries should be fruitless, and that the House of Lords was of no other use in time of war but merely to register the Minister's edicts, and vote such supplies as the Premier chose to ask for. His Grace ridiculed the idea of any danger arising from its being stated, that the substance of intelligence was so and so. He said, such a mode of giving information
neither

neither pointed out Monsieur De Grasse's secretary, General Washington's confidant, nor the person entrusted by Monf. de Rochambeau. His Grace informed the House, that he had that day received a letter from Paris, stating, that Monf. de Guichen's fleet would be ready to sail the beginning of the present month. His letter, he said, was dated the beginning of February, therefore the intelligence might be thought early; but, he asked, were he to publish an extract from that letter, would it be possible for France to discover, whence, or from whom, the intelligence was received?

After more debate, the House divided on the motion; contents 23; non-Contents 63.

The Duke then moved, "That there be laid before the House, a state of the different corps employed under lieutenant general Earl Cornwallis, in 1781, specifying their numbers in January and September, and their respective losses and augmentations during that time."

This was carried without a division.

The following are authentic Copies of the PAPERS, produced in consequence of the preceding Motions.

L E T T E R S to A M E R I C A.

Extract of a Letter from Lord George Germain to Sir Henry Clinton, dated Whitehall, July 4th, 1780. — [Secret.]

THE King read with great satisfaction your secret letter of the 14th of May, as it informed his Majesty that you still had reliance on the assurances given you of the loyal disposition of the inhabitants of the country, though your humane and judicious attention to their safety had induced you to repress their zeal, until your success at Charles-town was sure. Lord Cornwallis will, I trust, in his progress remove all obstructions to a free communication between them and the King's troops; and as you propose leaving under his Lordship's command a sufficient force, not only for the defence of South Carolina and Georgia, but also for any farther active measures which may be necessary, they cannot doubt of effectual and permanent protection; and, in that confidence, will not hesitate to avow their loyalty, and arm themselves for the defence of their country and the re-establishment of the constitution, which cannot fail to have sufficient influence on the wavering and indifferent among the inhabitants of Charles-town; to fix them in their submission to legal government, and re-

duce the province to such a state of tranquillity and good order, as may incline you and vice-admiral Arbuthnot, as his Majesty's commissioners, to restore it to the peace of the king.

"Your dispatches by the packet which I impatiently expect, will, I doubt not give me much information upon this subject; for although Mr. Simpson's report bears every mark of candour and accuracy, yet I am persuaded a few days experience of their happiness in the change of their circumstances, and a general declaration of the country people, for the restoration of the King's government, will give ground for a more favourable opinion of the dispositions of the inhabitants of Charles-town.

"The land and naval force carried out-by Mr. de Ternay, you will find by my secret letter of the 3d May, is not considerable, as had been given out by the French; and as rear-admiral Graves's ships are copper bottoms, and he is unincumbered by transports and store-ships, I have no doubt he will reach New York, and join admiral Arbuthnot, before Mr. de Ternay can arrive upon the American coast or land his troops: but even if he should find means to put them on shore, as admiral Arbuthnot will then be superior to him in ships, he will scarcely venture to remain there; or, if he should, he must seek shelter in Boston, or expose himself to destruction, should admiral Arbuthnot have the good fortune to fall in with him. In any of these cases, I trust, you will still find an opportunity of prosecuting your plan of operations in the Chesapeake; from the success of which, added to the reduction of Carolina, I am sanguine enough to expect the recovery of the whole of the southern Provinces in the course of the campaign.

"The Hessian and Anspach recruits being arrived at Portsmouth, they are now shifting into the transports appointed to carry them to America; and inclosed I send you their embarkation returns, as also those of the British, which go with them. The whole will sail for New York in a few days."

Extract of a Letter from Lord George Germain, to Earl Cornwallis, dated Whitehall, 9th November, 1780.

"I had the very great pleasure to receive from Captain Ross, who arrived in London on the 9th of last month, your Lordship's dispatches No. 1 and 2. which I immediately laid before the King, who read, with the highest satisfaction, the account contained in the latter, of the very glorious and complete victory obtained by your Lordship over the rebels near Camden, on the 16th August.

"The great superiority of the enemy in numbers over the forces under your command, his Majesty observed, distinguished this victory from all that have been achieved since the commencement of the rebellion; and though it might have been expected that the long continuance of the war would have increased the military skill and discipline of the enemy, your Lordship's complete success is a brilliant testimony that the spirit and intrepidity of the King's troops, will always triumph over them; and that however they may exceed in numbers, the vigour and perseverance of the British soldiers, will overcome all resistance, when led on by an able and determined commander, seconded by gallant and judicious officers. It is therefore particularly pleasing to me to obey his Majesty's commands, by signifying to your Lordship his royal

royal pleasure, that you do acquaint the officers and soldiers of the brave army under your command, that their behaviour upon that glorious day is highly approved by their sovereign; and you will particularly express to Lord Rawdon, Lieutenant-Colonels Webster and Tarleton, his Majesty's approbation of their judicious and spirited conduct; the latter indeed has a double claim to praise for his great alertness in overtaking General Sumpter's detachment, before they were apprised of Gates's defeat; and by their destruction, rendering the victory at Camden still more decisive. Captain Rosa's services have been rewarded in consequence of your Lordship's recommendation with a brevet of Major.

"The steps your Lordship immediately took for the improving your victory, were highly judicious and must be attended with the most important consequences: nor was your determination to inflict exemplary punishment on those traitors who had repeated the violation of their oaths of allegiance, or broken their parole, and taken arms against the King, less wise or promotive of the great object of the war; the restoration of the constitution, for the most disaffected will now be convinced that we are not afraid to punish, and will no longer venture to repeat their crimes in the hope of impunity, should they be detected; and those who are more moderate, will be led to withdraw from a cause which is evidently declining before it becomes desperate, and they expose themselves to the consequences they may reasonably apprehend will fall upon such as persist in rebellion to the last.

"The civil regulations you have made for South Carolina, as far as I am informed of them by your Lordship and Mr. Simpson, appear extremely prudent and proper; and I am glad to find they are satisfactory to the merchants here, who are deeply connected with that province. Such of the civil officers as are in England, have received orders to return, and the greatest part will sail with the first convoy. As the province is not yet restored to peace, it is not judged proper to appoint a Governor; but as the Lieutenant Governor is going out, he can exercise all the functions of a Governor in Chief in consequence of his Majesty's commission to Lord William Campbell which devolves to him; and as it is the King's wish to convince the people of America, that no abridgment of their former liberties is intended, but that they will be restored to all the privileges of their former constitution; the exercise of such powers as it may be fitting to allow the civil authority to possess, in the present situation of affairs, being in the hands of the constitutional officers of the province, must have a good effect. Your Lordship will, therefore, endeavour to throw the conduct of civil matters into their former channels, as far as you shall judge expedient, to permit the civil officers to act. I impatiently expect to hear of your farther progress; and that Sir Henry Clinton and vice-admiral Arbuthnot, have found means of sending a force into the Chesapeake, to co-operate with you: for if that be done, I have not the least doubt, from your Lordship's vigorous and alert movements, the whole country south of the Delaware, will be restored to the King's obedience in the course of the campaign.

"I understand the Congress evade an exchange of the convention troops with the garrison of Charles-town, under the pretence that the time of service of the greatest part of it will expire in a little time, and the men will then be no longer soldiers, and not entitled to be considered as prisoners of war;

and as the expence of maintaining the people is enormous, some means must be found of relieving the public from it, and counteracting the chicane of that faithless body.

“What appears to me the most practicable measures for these purposes are, the inducing the prisoners to enter on board the ships of war or privateers; or to go as recruits to the regiments in the West Indies; or as volunteers to serve upon the expedition against the Spanish settlements from Jamaica: and your Lordship will therefore take the proper steps for disposing of as many of them as possible in these several ways, or in such others as may occur to you as more practicable and effectual.”

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, 3d January, 1781.

“On the 28th of last month, I received your dispatches, No. 109 and 110. and one marked separate of the 12th November by Lieutenant Colonel Hope; and immediately laid them with their inclosures before the King. You will have seen by several of my former letters, what high expectations were entertained here of the important effects which the expedition into the Chesapeak would have, not only as a co-operation with Lord Cornwallis, by facilitating his progress through North Carolina; but in reducing the rebel force, by destroying their stores, and cutting off their resources, and at the same time encouraging the Loyalists to take up arms; and in conjunction with the King's troops, doing their utmost to deliver themselves from the tyranny of the rebel dominion, and to recover the country to his Majesty: you will therefore readily conceive how great must have been the concern and disappointment, at finding Colonel Ferguson's misfortune was of such fatal consequence, as to make it necessary for Lord Cornwallis to require General Leslie to quit the Chesapeak, and proceed to Cape Fear river, instead of advancing by James river, and crossing Virginia; and the uneasiness was much increased by perceiving from what you say of the expedition, that no attempt had been made to destroy the rebel stores at Petersburg, or to cut off any of the supplies from Gates's army. This second abandonment of Portsmouth, after taking possession of it, will, I fear, be productive of the worst effects to the King's service; for, by destroying all confidence in the inhabitants, of receiving permanent and effectual succour, they will of course be made more backward every where to espouse our cause upon any occasion; whereas, could any considerable body of Loyalists have been collected there, and joined to the King's troops, the secret friends of the constitution would have taken courage, and the flame of loyalty might have extended itself to those who only wait for such an event to declare themselves, and the most important consequences might have followed; but, besides, the having a secure port for our ships to resort to for supplies, would enable them to continue on their station, and intercept the whole trade of the bay, and thereby deprive the enemy of all remittances through that channel; and the establishment of that port would deter the French from sending any troops there to make a diversion in favour of Washington or Gates, which there is reason to expect they may do, for although the destination of the armament, which I formerly told you, was preparing last summer for the Chesapeak, appears to have been changed on
account

account of its long delay in the ports of France, and has since been entirely dispersed by the late dreadful hurricane in the West Indies, it is highly probable if they send any troops to North America in the spring, as our intelligence says they intend doing, that they will pursue their former purpose, and send a part into the Chesapeak, and secure that important post, when they hear we have abandoned it. On all these accounts I regret exceedingly that as Brigadier General Leslie has been called away, you could not spare a detachment from New York for such important purposes; but I trust you will yet find means of doing it, as the season of the year will secure you against any augmentation of the French force in Rhode Island, and Washington's army must be greatly reduced by the departure of the three-months men in October, and the six-months men in January; and Colonel Bruce will have informed you of the reinforcement intended for your army to be sent out in the winter to Carolina, in order to be at hand to join you in the spring, or go upon any other service before Washington's army can be recruited, or any French force can arrive upon the coast; but should you have judged it proper to defer making the detachment, I am commanded to acquaint you, it is the King's pleasure, you do carry it into execution whenever the King's service will admit of it. My opinion of the importance of the measure, and of its great tendency to reduce the rebellion, makes me so repeatedly press its execution, for the inclosed copy of my circular letter of the 20th of last month to the King's Governors in North America, and the West India islands, will inform you that our enemies are increased, and that the States of Holland are to be numbered amongst them. Every exertion must therefore be made to bring the American war to a conclusion; and every faithful servant of the Crown and loyal subject is called upon by his King and country to use his utmost endeavours for that purpose. The circumstances of this country cannot support a protracted war, nor bear to have any considerable part of the national strength remain inactive or unemployed: every advantage must therefore be seized, every occasion profited of, and the public service be made the great motive and object of all our actions.

The British recruits for your army, consisting of about 1000 are now embarking at Gravesend, and will be sent forward with all possible dispatch, under convoy of the Warwick and Solebay men of war to Cork, where they will join the 3d, 19th and 30th regiments, ordered to embark there, and the whole proceed directly to Charles-town; Colonel Gould, who commands them, has directions to put himself under the command of Lord Cornwallis, or the officer commanding the King's troops in the southern provinces, until he receives orders from you."

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, K. B. dated Whitehall, February 7th, 1781.

"On the 29th of last month, I received from major Eiskine, your dispatch of the 16th December, No. 112, and immediately laid it before the King; and it gave his Majesty particular satisfaction to find you had determined to replace Major General Leslie's detachment in Elizabeth river, by one under Brigadier General Arnold; with positive orders to establish a permanent post there, and I was able to add to that satisfaction, by informing his Majesty,

jetly, from Major Erskine's authority, that General Arnold had failed before him. The vice-admiral's ready concurrence in this most essential measure, and the strong convoy afforded, were highly meritorious, and I trust, will encourage you to undertake farther active services, in which the co-operation of the naval force under his command may be necessary; and I learn with great pleasure, from private letters of the 22d December, that you were preparing a very considerable body of troops, for immediate embarkation; which, I flatter myself, from an expression in one of your letters to Vice-Admiral Arbuthnot, will be employed in Maryland and Pennsylvania, in reducing those provinces to the King's obedience, while Lord Cornwallis, and Brigadier General Arnold subdue Virginia; for such is beyond all doubt the low condition of the Congress authority and finances, and so weak the state of Washington's army, that little opposition is to be expected in that quarter; and none that can resist such a force, as, without the least hazard to New York or Charles-town, may be assembled there. You were perfectly right in your interpretation of the Vice-Admiral's orders for detaching five ships to the West Indies; and I was happy to find he acquiesced in your judgment upon that occasion.

"Our accounts from France say, that advice has been received there of Monsieur de Ternay's sailing from Rhode Island the 25th December, with six sail of the line, and all his frigates. If this be so, I trust Rear-Admiral Graves will have followed him speedily to the West Indies (for that must be de Ternay's destination) and reinforce Sir George Rodney, who in that case will still be superior to the enemy in those seas, even after Ternay and De Ternville's arrival, the latter of whom sailed from Brest the 9th of last month, with ten sail of the line, and I have not heard of any force preparing to follow him.

"I am sorry I cannot inform you that the transports with the recruits are sailed from Cork, where the three regiments are in readiness to join them, but a long continuance of easterly winds first prevented the ships getting round to Portsmouth, and now the westerly winds detain them there; but they are all at Spithead with their convoy, ready to put to sea the moment the wind will permit them to sail. The ordnance store ship, which has five thousand stand of arms on board for Carolina, being still in the river, I have ordered three thousand stand to be sent by land carriage to Portsmouth, and there distributed on board the transports, as I understand they are much wanted for arming the Loyalists.

"They are addressed to the commander of the forces in South Carolina."

Extract of a Letter from Lord George Germain, to Earl Cornwallis, dated Whitehall, March 7th, 1781.

"MY LORD,

"I have had the honour to receive and lay before the King, your Lordship's dispatch of the 18th of December from Weymouth, transmitting copies of your own and Lord Rawdon's letters to Sir Henry Clinton and Brigadier General Leslie; and his Majesty observed with particular satisfaction, that you were in perfect health when the former were written, and I beg leave to add my own congratulation upon your Lordship's recovery.

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"The reasons which you assign for calling General Leslie from Virginia, are founded in wisdom and could not fail being approved by the King; and as I have had the pleasure to learn from Colonel Balfour, that General Leslie had joined you, and you were in motion on the 11th of January, I make no doubt but your Lordship will by this time have had the honour to recover the province of North Carolina to his Majesty, and I am even sanguine enough to hope from your Lordship's distinguished abilities, and zeal for the King's service, that the recovery of a part of Virginia, will crown your successes before the season becomes too intemperate for land operations, as Sir Henry Clinton has informed me that he has sent a force under Brigadier General Arnold, to replace General Leslie's at Portsmouth and co-operate with your Lordship.

"I am, &c.

"GEO. GERMAIN."

Copy of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, 7th of March, 1781.

"SIR,

Your letter No. 113. inclosing a general state of his Majesty's provincial forces serving under your command; and the report of the deputy inspector-general of provincial forces of nine battalions, which you have thought worthy of being recommended to his Majesty for half-pay and permanent rank in America; has been received and laid before the King.

"The encouragement held out to the officers of the provincial troops of having their rank made permanent in America, and of being intitled to half-pay upon the reduction of their regiments as stated in my letter of the 23d January 1779, was meant as a reward and compensation to those of his Majesty's faithful American subjects as had suffered the loss of their property on account of their loyalty, and had taken or should take arms in his Majesty's service, and should exert themselves in raising and compleating provincial regiments; but it was never the King's intentions, that those indulgencies should be extended generally to all those who held or should hold commissions in the provincial corps, nor even to all those who came within this description of loyal American sufferers, but to such regiments only as should be completed to the then establishment of the British regiments of foot, and should be recommended to his Majesty by his commander in chief, as being properly officered and fit for service.

"It is true this rule was in some measure departed from in the instance of the establishment of the Queen's rangers and the New York volunteers, neither of which regiments were complete when they were recommended to the King; and also in the case of the volunteers of Ireland, as many of the officers of that regiment were neither Americans, nor had property or connections in that country, but then it was done on account of the distinguished merit of those corps, and upon your particular recommendation; but in cases in general, where there is no such extraordinary merit to claim particular and distinguished marks of favour, it is expected by his Majesty that all the conditions specified in my letter of the 23d January, 1779, before mentioned, should be complied with in order to the officers of the provincial regiments.

ments availing themselves of the advantages there held out to them. With respect to the British legion, which you recommended to his Majesty's favour in your separate letter of the 1st June, 1780, and which you again mention in your letter of the 18th December, as it appears by a return of that corps, dated 31st December last, which I have lately received from South Carolina; that their numbers at that time amounted to more than 600 rank and file; and as they would long since have been greatly over compleat, but for the losses they have sustained in the very active and important service in which they have been employed, upon these considerations, and as a mark of his Majesty's royal approbation of the gallant behaviour of this corps, and of the services of that very deserving officer, Lieutenant Colonel Tarleton, who commanded it; the King has been graciously pleased to approve of your recommendation of the British legion for permanent rank in America; and the officers will be recommended to parliament for half-pay, whenever the corps shall be reduced: and it is his Majesty's pleasure that you do take the earliest opportunity of making known to them these his gracious intentions. And as it appears by the deputy inspector-general's report, that the King's American regiment (which stands first upon the list of those you have recommended) was raised at a very early period of the rebellion, and was nearly compleated in a short time, and has since been constantly employed in active service in the field, where it has more than once been distinguished for its gallant and spirited behaviour in action, particularly at the affair at Rhode-Island on the 29th of August, 1778, under the command of Major General Pigot; his Majesty has been pleased to approve of your recommendation of that regiment to be put upon the American establishment, and you will be pleased to notify it accordingly. But in future it is his Majesty's pleasure that no provincial regiment should be recommended to him for permanent rank and half-pay that is not actually compleat to 10 companies, consisting of 70 men rank and file each, with a due proportion of officers; and whenever any regiment shall be so recommended, I am to desire you will give directions to the inspector-general of provincial forces, or his deputy; to report specially upon the merit of each commission officer, stating the place of his birth, the time of his residence in North America, if not a native of that country; his former occupation and place of residence; and whether he has suffered in his property on account of his loyalty; in order that the King may see how far the establishing of such regiment will come up to the original intention of the encouragement held out to the provincials by the new regulations.

" I am, &c.

" GEO. GERMAIN."

Extract of a Letter from Lord George Germain to Sir Henry Clinton, dated Whitehall, 7th March, 1781.

"The revolt of the Pennsylvania line and Jersey brigade, though not attended with all the good consequences that might have been expected, are certainly events of very great importance, and must have very extensive effects both in reducing Washington's present force, and preventing its being recruited by new levies; and as I doubt not you will avail yourself of his weakness and
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your own great superiority to send a considerable force to the head of the Chesapeake, as soon as the season will permit operations to be carried on in that quarter. I flatter myself the southern provinces will be recovered to his Majesty's obedience before the long promised succours (none of which are yet sailed) can arrive from France; and Mr. Washington, unable to draw subsistence for his troops from the west side of Hudson's River, be compelled to cross it, and take refuge in the eastern provinces.

"I am very anxious to hear of Lord Cornwallis's progress, since General Leslie joined him; I have no doubt his movements will be rapid and decisive; for his Lordship appears to be fully impressed with the absolute necessity of vigorous exertions, in the service of his country in its present circumstances.

"The success of General Arnold's enterprize up James-river, which the rebel news-papers confirm, must greatly facilitate his Lordship's operations, by cutting off Green's supplies, and obliging the militia to return to take care of their own property.

"Indeed it is a pleasing, though at the same time a mortifying reflection, when the duration of the rebellion is considered, which arises from the view of the return of the provincial forces you have transmitted; that the American levies in the King's service, are more in number than the whole of the enlisted troops in the service of the Congress.

"I am very glad to find, by the list of the officers released, that the exchanges have been carried so far; but as it appears from Mr. Washington's last letter to you, that they will not be carried on farther, the measure of inlisting their prisoners for service in the West-Indies should be adopted immediately.

"I am sorry to acquaint you, that the general prevalence of westerly winds, for these last two months, has prevented the Warwick and Solebay, with their convoy, from getting farther than Plymouth, where they are still detained."

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, 21st March, 1781.

"S I R,

"Being the King's wish to increase the strength of your army, by every means in his power, consistent with other important services, and to send you the reinforcement as early as possible, that you may avail yourself of it in the next campaign, which, it is hoped, from the exertions you will be enabled to make, will be the last in North America. A corps of light infantry, formed agreeable to the inclosed establishment, has been stipulated for with the Hereditary Prince of Hesse, which it is expected is, by this time, arrived at Brehmer Leke, the place of embarkation; where also, it is expected, are assembled 850 Hessian recruits, 60 Hanau, 500 Anhalt-Zerbst, 250 Anspach, and 150 Waldeck, making in the whole a body of upwards 2600 men; and although some of them belong to corps in Canada, the whole are ordered to New-York, and put under your command.

"It is not, however, the King's intention that the German corps in Canada, should be deprived of their recruits, but it is left to you to send them forward when you think fit. — I am, &c

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"GEO. GERMAIN."

Extract.

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, K. B. dated Whitehall, 4th April, 1781.

“S I R,

“Since my letters to you by the March packet, I have received yours of the 24th of February, by a private ship, and was much alarmed by the extract from the news-paper inclosed in it, which gave an account of Colonel Tarleton's having received a check. I however had the satisfaction to find, by dispatches I received three days afterwards from Lord Cornwallis and Colonel Balfour, that although the news-paper article was well founded, yet his Lordship's operations had not been suspended: But that after obtaining two advantages over the rebels, in one of which Colonel Tarleton commanded, his Lordship had passed beyond Salem in North-Carolina; the little expedition to Cape Fear appears also to have had all the success and good effects expected from it; and as I am informed by the master of the ship, who brought me your letter, that the transports were fallen down to receive the troops you intended sending into the Chesapeak, I have the strongest expectations, that through General Arnold's co-operation, the whole country, to the west of James-river, is, by this time, recovered to his Majesty's possession. The Extraordinary Gazette, published at New-York the 3d of February, found its way to England some time before that which you inclosed; and as the truth of the account it contained could not be doubted, it gave general and great satisfaction. Your transmission of it, however, gives it the authenticity it wanted, and I have, in consequence, received the King's commands, to signify to you his Majesty's pleasure, that you do acquaint Brigadier-General-Arnold, Colonel Simcoe, and the other officers and soldiers under his command, that their conduct and behaviour are approved by his Majesty. Some private accounts, which I have seen, and which appear to deserve credit, represent the inhabitants as refusing all obedience to the usurped powers, and eagerly soliciting for arms, and an opportunity of using them in conjunction with the King's forces, for the restoration of the constitution. I hope they have found means to make their circumstances and desires known to you, for in the present low condition of Washington's army, the opportunity of assisting them is as favourable as could be wished. Our intelligence from France, gives us reason to believe no part of the land or sea force, that has been so long preparing at Brest, will be sent directly to North-America. A fleet, consisting of 26 sail of the line, under the command of the Count de Grasse, and transports with from seven to 12,000 land forces, were ready to sail the 20th of last month, and, it is said, they did sail on the 22d. Six of these ships, and 3000 of the troops are to go to the East Indies, and all the others to the West Indies, where their islands are in great distress for want of supplies, none of any importance having reached them from France this year; and their usual resources through St. Eustatius being cut off by the capture of that island, the lateness of the season will, I imagine, prevent Monsieur de Grasse undertaking any thing against the King's possessions there; but it is probable, as soon as he has thrown supplies into the several islands, he will proceed to North-America, and join the French forces at Rhode-Island, and endeavour to revive the expiring cause of rebellion; but as Sir George Rodney's force

force is but little inferior to his, and he will be watchful of his motions, I am not apprehensive he will give him time to do you any material injury, before he comes to your succour.

“The packet you informed me, was to sail in a few days after the private ship, is not yet arrived.

“Our grand fleet, under Admiral Darby, was waiting off Cape Clear the 25th of last month, for the victuallers from Cork, which were detained there by contrary winds, but we hope they got out on the 26th.

“I am happy to learn, from private letters, that the associated refugees are fully sensible of the kind attention you have shewn them; and express great impatience to shew their zeal for the King’s service, by some vigorous attack upon the sea coasts of the revolted provinces, which the want of shipping only prevents them from undertaking. Should the Admiral continue to find it difficult to supply them, I could wish you would enable them to purchase what may be necessary, rather than they should remain inactive; and although I only desired rations for them while they were in actual employment, it will be equally necessary to furnish them with them while they are collecting and preparing for service, and to allow them to give to all such as may join them upon their expeditions.”

Extract of a Letter from Lord George Germain, to, Sir Henry Clinton, K. B. dated Whitehall, 2d May, 1781.

“By the mail of the Mercury packet, I received, on the 25th of last month, your dispatches, numbered from 118 to 122; one of the 28th February, one of the 1st, two of the 8th, and one of the 9th March, marked separate, and immediately laid them before the King. A vessel, sent express by Vice Admiral Arbuthnot, from the Chesapeake, had arrived the day before, and brought the very agreeable and important intelligence of his having defeated the French Admiral’s project, of carrying his Squadron and a detachment of French troops to attack General Arnold, in concert with the rebel forces; and of the arrival of Major-General Phillips in James river, with his reinforcement. The plan of the enemy was certainly judiciously laid, and if Admiral Arbuthnot had not had the good fortune to overtake the French fleet before they entered the Chesapeake, the destruction of General Arnold and his small corps, would probably have been effected, which must have put a stop to Lord Cornwallis’s progress, and blasted all our hopes of recovering the southern provinces this campaign. Although, therefore, I greatly regret that all the French ships escaped, I rejoice exceedingly in the success we have had, as it has delivered us from such great and imminent danger, and given confidence to our hopes that Lord Cornwallis will be able to effect a junction with General Phillips, whose co-operation, with the considerable force he commands, must greatly facilitate his approach, and, by convincing the Loyalists that the recovery of the southern provinces is the unalterable object of the King’s measures, excite them to exert themselves for the accomplishment of it. Indeed, had we any doubt of the wisdom of the present plan of pushing the war in that quarter, and of the vast importance of the possession of Virginia, the conduct of the Rebels would confirm us in our judgment, for they could not give stronger proofs of the high opinion they entertained of its importance,

than by the great efforts they made, and the hazards they ran in their attempts to preserve it; as nothing less than the apprehension of the most fatal consequences to their cause, from its loss, could have prevailed on them to detach so large a part of Mr. Washington's best troops to such a distance, at a time when his army was so greatly reduced, and so early in the season, that no draughts from the militia could be brought to join him, and thereby expose his posts on the Hudson's-river to your attacks, when the little force that remained with him, could not enable him to give them hopes of relief. Conceiving, therefore, so highly as I do of the importance of the southern provinces, and of the vast advantages which must attend the prosecution of the war upon the present plan from south to north it was a great mortification to me to find, by your instructions to Major-Gen. Phillips,* that it appeared to be your intention, that only a part of the troops he carried with him should remain in the Chesapeake, and that both he and Gen. Arnold should return to New-York, leaving only a sufficient force to serve for garrisons in the posts they might establish in Virginia. Your ideas, therefore, of the importance of recovering that province, appearing to be so different from mine, I thought it proper to ask the advice of his Majesty's other servants upon the subject, and their opinion concurring entirely with mine, it has been submitted to the King; and I am commanded by his Majesty to acquaint you, that the recovery of the southern provinces, and the prosecution of the war from south to north, is to be considered as the chief and principal object for the employment of all the forces under your command, which can be spared from the defence of the places in his Majesty's possession, until it is accomplished: but as it might be dangerous to the health of the troops to carry on offensive operations to the south of the Delaware in the summer months, and that being the fittest season for attacking the enemy's posts upon the Hudson's-river, and annoying the New England provinces, his Majesty leaves you at full liberty to employ the troops in any offensive undertaking to the north of the Delaware, at such times as you shall judge it improper to continue them in the field upon active service to the south of it; nor is it the King's intention to restrain you from availing yourself of any favourable event, or change of circumstances, which may happen at any other time in the northern provinces; it being only his Majesty's purpose that the war should be conducted upon a permanent and settled plan, always securing and preserving what has been recovered; and not, by desultory enterprises, taking possessions of places at one time, and abandoning them at another, which never can bring the war to a conclusion, or encourage the people to avow their loyalty, and exert their endeavours to relieve themselves from the tyranny of the rebel rulers, and enable his Majesty to restore to them their constitutional liberty, which is the most fervent wish of his royal breast.

"I daily expect to hear that the German troops are sailed from Bremer Lehe, where those which were embarked at Stade, have been ordered to join them, and the whole to proceed together to New-York.

"The three regiments from Ireland, and the British recruits that went with them, are, I trust, well on their way by this time to Charles-town; and as Sir George Rodney will bring you three more regiments from the Leeward Islands, before the hurricane months, the augmentation of your force

force must, I should think, be equal to the utmost of your wishes, and clearly prove to you, how essential an object the recovery of America is to this country; and that his Majesty's entire conviction, that the most valuable part of it may be recovered in this campaign, has excited him to make the utmost efforts to supply you with a force, fully sufficient for the purpose.

"The reduction of the southern provinces must give the death wound to the rebellion; notwithstanding any assistance the French may be able to give it; and if that were the case, a general peace would soon follow, and this country be delivered from the most burthenfome and extensive war it ever was engaged in. As so much, therefore, depends upon our successes in America, you cannot be surprized that the eyes of all the people of England are turned upon you; nor at the anxiety with which the King and all his servants wait for accounts of your movements; and as I am most immediately interested of any of them in your success, you will, I hope, excuse the earnestness and frequency of my exhortations to decision in council, and activity, vigour and perseverance, in execution of his Majesty's pleasure, which you are now fully informed of.

"I have communicated to the Lords of the Admiralty, your separate letter of the 20th of February, and I am sure that their Lordships will do every thing in their power to encrease the number of frigates on the American station, and to strengthen the Squadron, that the Admiral may, at all times, have it in his power to furnish sufficient convoys."

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, the 2d of May, 1781.—[Secret.]

"Since I closed my letters to you by this packet, I have received certain information that the French court have sent to dissuade the Congress, by all means from making any attack upon Canada or Nova-Scotia, until they had driven the King's forces out of the Thirteen Provinces. They except, however, Halifax and Penobscot, which they are very desirous of getting possession of, and probably may attempt one of them, if their naval force should become superior to ours in the North American seas, in the course of the summer; you will therefore apprize General Maclean (whose ill state of health I am extremely sorry to hear of) of what is meditated by the enemy, and give particular attention to those very important places."

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, the 4th of June, 1781.

S I R,

"The German troops, I hope, will have reached New York before the packet, by which this goes, can arrive there. I inclose the embarkation return, with a copy of General Faucitt's letter to Lord Stormont, transmitting it, by which you will see that the number now on their way, added to those of the last year's complement, which were early sent out in this, together with the British regiments and recruits sent to Carolina, exceeds 6000 effective men from Europe, for the augmentation of your army in the present campaign, a force, when added to your former numbers, I trust will give you a decided superiority over the French and Rebels, and prove the means

means of your reducing to the King's obedience, the greatest part of the country to the south of the Delaware, in the course of this campaign.

"Lord Cornwallis has, indeed, done every thing in Carolina that prudence, vigour, and activity, could effect with his force, and if Major-General Phillips remains and co-operates with him in Virginia, I have not the least doubt of the rebellion being extinguished at this day, in all parts south of James-river, and impatiently expect to receive accounts from his Lordship to that purpose."

Extract of a Letter from Lord George Germain, to Earl Cornwallis, dated Whitehall, 4th June, 1781.

"The rapidity of your movements through a country so thinly inhabited, and so little cultivated, is justly matter of astonishment to all Europe, as well as to the rebels in America; and although they appear to make every possible exertion to oppose your progress, and conduct their enterprizes in Carolina, with more spirit and skill than they have shewn in any other part of America, his Majesty has such confidence in your Lordship's great military talents, that he entertains no doubt of your fulfilling his utmost expectations, in the course of the campaign, especially, as from the happy defeat of the French fleet from Rhode Island, by Admiral Arbuthnot, and the arrival of a considerable reinforcement in the Chesapeake, under Major-General Phillips, the Rebels' hope of succour must be frustrated, the Loyalists encouraged, and any troops that Greene might be liable to assemble, exposed to the attack of two armies.

"I was, indeed, much alarmed upon reading the copy of Sir Henry Clinton's instructions to General Phillips, to return, with the greatest part of his force, to New York, if he did not receive orders from your Lordship, lest you might not speedily have had an opportunity of communicating with him; but your late victory at Guildford, will, I trust, have opened the country more to you, and afforded you an occasion of taking him and his whole force under your command, and employing it as a co-operating army, until the southern provinces are reduced, or the season becomes too intemperate for active service; for it is the King's firm purpose to recover those provinces, and to push the war from south to north, securing what is conquered as we go on; and not, by desultory enterprizes, taking possession of places at one time, and abandoning them at another; and I have signified his Majesty's pleasure to Sir Henry Clinton to this effect."

Copy of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, 4th June, 1781.

"SIR,

"The assembly of Georgia has shewn so much loyalty and attachment to the King and the constitution, and set so good an example to the other provinces, which may be restored to the King's peace, that great attention is due to the safety and comfort of the inhabitants; and care must be taken to guard them from the effects of the enmity of the rebel partizans, which their meritorious conduct will probably excite. Many murders have already been committed on the frontier settlers, and plantations destroyed, which
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has occasioned Sir James Wright, the Governor, to embody sixty of the militia, who mount, arm, and supply themselves with provisions, at no very exorbitant rate, and who he proposes to employ in parties, keeping a continual watch upon the frontiers; as this measure promises to keep the province in quiet, and makes no demand upon your force, the King has approved it, and I am commanded to signify to you his Majesty's pleasure, that you do order the said corps to be paid according to its establishment, and continued on foot until the province of Carolina is restored to the peace of the King."

Copy of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, 6th June, 1781.

"S I R,

"After I had closed my letters, which go by this conveyance, Captain Broderick arrived with dispatches from Lord Cornwallis and Colonel Balfour, the contents of which I need not repeat to you, as you will have long since been fully informed of every thing that has passed in that quarter. I shall therefore only observe, in addition to all I have hitherto written upon the subject, that I am well pleased to find Lord Cornwallis's opinion entirely coincides with mine, of the great importance of pushing the war on the side of Virginia, with all the force that can be spared, until that province is reduced. If it be possible to do it, before the season becomes too intemperate for active operations there. The troops from Ireland will, I hope, have arrived in good time to join his Lordship, or form another army under Lord Rawdon, to drive the enemy out of the upper country, while Lord Cornwallis and General Phillips are employed in reducing the lower parts; for I plainly see there must be great exertions and constant co-operations of different and powerful corps, to effect this most essential service. — I am, &c.

"G E O. G E R M A I N."

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, 7th July, 1781.

"By Colonel Leland, who arrived here the 23d of last month, I received your dispatches numbered, from 123 to 129 inclusive, and one dated the 27th July, without any number, and immediately laid them before the King.

"It gave his Majesty much satisfaction to find by those dispatches, that you had so fully adopted the plan suggested to you, of pushing the war to the southward, with all the force you could spare from the defence of New-York, and your purpose of giving the inhabitants an opportunity of proving the sincerity of their professions, by joining the considerable body of troops you intend carrying there, entirely coincides with his Majesty's wishes.

"The three regiments and the thousand British recruits from Ireland, were, I trust, arrived at Charles-town before your dispatches left New-York; and it would not be long before the 2800 Germans were with you. The arrival of these reinforcements will, I hope, enable you to proceed immediately in the execution of your purpose, without waiting for the three regiments

ments from the West-Indies; for I do not expect they will join you before the season for offensive operations there is over, when I have reason to believe the French fleet will push for North America, and Sir George Rodney will certainly follow them, to prevent them from giving you any interruption in your operations; and to enable him the better to effect it, Admiral Digby will carry out with him a reinforcement of three ships of the line, to the American Squadron."

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, 7th July, 1781.—[Private.]

"I received your private letter of the 30th of April last; I never failed of doing justice to your zeal in the King's service, and I am persuaded you have exerted your best endeavours for bringing the rebellion in America to a happy conclusion. You will forgive me if my earnest wishes for attaining so desirable an object, make me perpetually solicitous, that no possible opportunity may be lost of attempting some decisive operations against the army, or the possessions of the Rebels. The progress already made in the Chesapeake, and the advantages you may hope to derive from the different detachments sent to Virginia, promise more towards bringing the southern colonies to obedience, than any offensive operation which has been undertaken in the course of the war, and it is highly satisfactory to me, that, upon this important occasion, you had anticipated his Majesty's commands.

"And you may depend upon finding every attention on my part, to those requisitions which you may have occasion to make.

"The variety of services now carrying on in different parts of the world, must account for the disappointments you sometimes suffer; but you may rest assured, that every department of government is anxious to furnish you with the most effectual means of carrying on the war with honour to yourself, and with advantage to the state."

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, 14th July, 1781.

"Rear-admiral Digby being still detained at Portsmouth by contrary winds, I have the opportunity of acknowledging by him the receipt of the duplicate of your dispatch, No. 130, and also of your separate letter of the 9th June, which I lost no time in laying before the king, and it is with the most unfeigned pleasure I obey his Majesty's commands, in expressing to you his royal approbation of the plan you have adopted for prosecuting the war in the provinces south of the Delaware, and of the succours you have furnished, and the instructions you have given for carrying it into execution. The copies of the very important correspondence which so fortunately fell into your hands, inclosed in your dispatch, shew the rebel affairs to be almost desperate, and that nothing but the success of some extraordinary enterprise, can give vigour and activity to their cause, and I confess I am well pleased that they have fixed upon New York, as the object to be attempted, as I have not the least doubt, but that the troops you had remaining with you, after the ample reinforcements you so judiciously sent to the Chesapeake, would be fully sufficient, under your command, to repel any force

force the enemy could bring against you, and when the troops from Ireland and Germany arrive, must place you in a condition, not only to act defensively, but to take advantage of any favourable circumstances which Lord Cornwallis's exertions and the distress of the enemy may produce.

The purpose of the enemy was long known here, and Sir George Rodney has been apprized of it, and will certainly not lose sight of Monsieur de Grasse. The very proper step you took of transmitting him copies of the letters you had intercepted, must confirm him in the resolution he had taken in consequence of the former intelligence; but as in a matter of so great moment, no precaution should be omitted, or possible contingency unguarded against, extracts of the intercepted letters will be sent to him from hence, and precise instructions given to him to proceed directly to North America, whenever Mr. de Grasse quits the Leeward Islands. I cannot close this letter without repeating to you the very great satisfaction your dispatch has given me, and my most entire and hearty coincidence with you in the plan you have proposed to Lord Cornwallis for distressing the Rebels, and recovering the southern provinces to the King's obedience, and as his Lordship, when he received your letters of the 8th and 11th June, will have fully seen the reasonableness of it, I have not the least doubt but his Lordship has executed it with his wonted ardour, intrepidity, and success.

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, dated Whitehall, 2d of August, 1781. — [Most secret.]

“ Monsieur De Grasse's arrival in the West Indies having been much later than intended, will probably delay his appearance in North America beyond the time he was expected by Mr. Washington and the Count De Rochambeau, when they had their conference and their plan of operations was settled; and I trust, that as Sir George Rodney knows his destination, and the French acknowledge his ships sail better than theirs, that he will get before him, and be in readiness to receive him, when he comes upon the coast.

“ The absolute refusal of the French Court, to send any more troops to North America, even in fulfilment of their promise; and the public declaration of Mr. De Rochambeau, upon his landing at Rhode-island; must destroy the confidence the Congress had placed in their ally, and greatly heighten the chagrin Mr. Washington must have felt from the rejection of his former plan.

“ These circumstances are most favourable for the King's affairs, as they may equally serve to bring on a negociation, and give you advantage in your operations. You now authentically know the utmost of the French force, which Mr. Washington can avail himself of, and the way in which he only can use it, in order to get it to join him he has been obliged to consent that Rhode-island should be evacuated, and to allow Mr. De Barras' squadron to retire to Boston, if Admiral Arbutnot suffers them to get there. The junction of the French troops with the Americans, will, I am persuaded, soon produce disagreements and discontents, and that Mr. Washington will find it necessary to separate them very speedily, either by detaching

the Americans to the southward, or suffering the French to return to Rhode-Island: the former measure, I think, most likely to be adopted, if he can prevail upon the troops of the northern provinces, to cross the Delaware; but, I trust before that can happen, Lord Cornwallis will have given the loyal inhabitants the opportunity they have so long ago earnestly desired, of avowing their principles, and standing forth in support of the King's measures for restoring the constitution; and should they, as we have reason to expect from their professions, take arms in considerable numbers, I see nothing to prevent the recovery of the whole country to the King's obedience, and in that happy event, the Carolinians would speedily return to their duty. I am impatient to hear of the arrival of the Warwick and Solebay, with their convoy, at Charles town; where I presume, they would find orders to leave such a re-inforcement with Lord Rawdon, as the situation of affairs in Carolina and Georgia might render necessary, and proceed with the rest to the Chesapeak or New-York.

"If they go to the Chesapeak, and after the arrival of the Germans you should not think it necessary to bring them to New-York, they will enable Lord Cornwallis to form a separate army, while he moves on to the Head of Elk with his own, which would be the most certain means of succeeding throughout, and would be in effect the complete execution of your plan, which his Majesty has so entirely approved; and should they have come to New-York, I flatter myself, you will still pursue that plan. In truth, the prospect we have of recovering the whole of the southern provinces this campaign is so fair, the opposition to be expected so very inconsiderable, and the Rebel cause so sunk and declining, that I cannot resist the strong impulse I feel to repeat to you my most earnest wishes, that nothing may divert you from the steady pursuit of this plan until you have accomplished it; and then I shall consider the great work of recovering America as nearly completed."

Extract of a Letter from Lord George Germain, to Sir Henry Clinton, dated 4th August, 1781.

"After I had closed my letter of the 21 instant, your dispatch, No. 131, was received at my office, having been sent up by Vice-Admiral Arbuthnot, by express from Portsmouth, where he arrived on the 1st instant. I lost no time in laying it before the King, and I had great pleasure in hearing his Majesty express his entire satisfaction in the very spirited and active measure you were preparing to execute; as I flatter myself, nothing but delay can prevent its having all the good and important consequences you expect. I shall be exceedingly anxious till I hear the expedition has failed, which, I trust, would happen in a very few days after the Vice-Admiral came away, as the reinforcement of Germans must then be with you. Indeed I extend my views to a still greater object than the destruction of the stores; for as I find Lord Cornwallis is continuing his progress up the Chesapeak, the landing a considerable body of troops will, I trust, excite so great a number of Loyalists to stand forth, that General Robertson will find himself at the head of so large a force, as to enable him fully to execute your plan."

Copy of a Letter from Lord George Germain to Sir Henry Clinton, dated Whitehall, 31st August, 1781.

“ S I R,

“ Since I received your dispatch of the 3d July, I have been in daily expectation of the arrival of the packet, you told me, you intended to dispatch, but I have had the mortification to learn by private ships which left New-York the 18th, that none had then sailed, and that there were three boats in port. The private letters and news-papers brought by these ships, contain much interesting information, respecting Lord Cornwallis's operations, and the movements of General Washington and Mr. de Rochambeau, but I cannot upon such ground take the opinion of his Majesty's or her servants, or receive the King's pleasure for sending you or the commander of his Majesty's ships any instructions in consequence thereof, your detention therefore of the packets is extremely distressing, especially at this time, which is the proper season for concerting measures for operations in the winter, that every necessary step might be so early taken, that the favourable opportunity for executing, may not be suffered to slip from the want of timely preparation. In consequence therefore, of the unanimous advice of his Majesty's servants, I have received the King's commands, to signify to you his royal pleasure, that you do appoint the first Wednesday in every month for the regular sailing of the packet from New-York, provided there be two boats in the harbour on such day, and in case there be not two boats on such Wednesday, that as soon as there is, you do order one to sail in four days after, and direct public notice to be immediately given of the day upon which the mail is to be made up, and these rules are not to be deviated from at any time, but in cases of the greatest urgency or necessity.

“ The unfortunate loss of Pensacola, after so brave a defence by Major-General Campbell, will probably encourage the Spanish Commanders at the Havannah to prosecute their plan of seizing upon the Bahama and Bermuda Islands, and reducing St. Augustine, and the provinces of East Florida and Georgia. I trust however, that in consequence of the information of their intention communicated to you by Governor Tonyn, you have already reinforced and supplied the garrisons in the Bahama and Bermuda Islands, and that the Admiral has stationed some of his small ships there for their immediate protection, as well as for the security of the trade of the southern provinces, but in case no step has yet been taken for those purposes, you will lose no time in sending detachments of effective troops to those islands, and such stores as they may stand in need of, and the Admiral will receive orders to supply the necessary naval protection, which will afford a safe conveyance for the troops and stores.

“ The garrison of St. Augustine, has, I understand, been augmented by a detachment from Georgia, but as you must be fully informed of the extent of the works, and the nature of the defence to be made, you can better judge whether the present force is sufficient to enable the Governor to hold out until he can receive effectual succour from you, I must therefore recommend it to you to give immediate attention to those circumstances.

“ I am, &c.

(Signed) “ GEO. GERMAIN.”

T 2

L E T.

LETTERS from AMERICA.

Copy of a Letter from Sir Henry Clinton to Lord George Germain, dated New-York, 1st March, 1781.

“MY LORD,

“In a letter of the 24th of February, (which was sent to England by the Adventure brig, and of which a duplicate is transmitted herewith) I had the honour of giving your Lordship all the information I could with propriety do by such an uncertain conveyance: I therein told your Lordship, that the packet waited only for the Admiral’s dispatches for Europe. But circumstances began to assume such an appearance at the time of their arrival, that I thought it proper to detain her a little longer, in hopes of being able to give your Lordship a clearer detail of events which seemed to promise the most important consequences) than was then in my power to do.

“On the 16th ultimo, I received information from Vice Admiral Arbuthnot, that the French fleet at Rhode Island were all ready for sailing, supposed for the Chesapeake, and that a number of troops were embarked in transports, to accompany them. I immediately upon this directed a large proportion of troops (most of them the elite of my army) to be ready at a moment’s warning to embark with Major General Phillips, under such convoy as the Vice Admiral should think proper to appoint. Though I must at the same time confess to your Lordship, that I then imagined their object to be an attack of our fleet in Gardiner’s-bay, (in its weak state from the entire loss of one 74, the absence of one ship of the line, and a 50, and another 74 being dismasted). And I was the more inclined to form this opinion, (which I had also given to the Admiral) from the rebels having made no movements whatsoever in their camp, which⁴ indicated any intention of detaching to the southward.

“I was however, on the 19th, alarmed by information from Brigadier General Arnold, dated the 14th, that a French 64 and two frigates blocked the Chesapeake, and had placed themselves in a situation to favour a co-operation against our post at Portsmouth. I dispatched this intelligence to the Admiral without delay. But I am apprehensive that he had no certain information of these ships being part of the Rhode Island squadron until the 21st; (though they sailed from thence the 9th) as he suggested to me nothing of such a movement before his letter of that date, (which was only two days before their return thither with the Romulus man of war, which they had taken at the entrance of the Chesapeake) else, I am persuaded the Admiral would have sent to Virginia an adequate detachment from his fleet, which was now become more respectable by its being rejoined by the two missing ships; and the Bedford’s having got in her jury masts.

“March 1st. At this time I received information that the rebel General Washington had made a considerable detachment to the southward, under the Marquis de la Fayette; clearly marking an intention of either attempting something against our posts on Elizabeth-river, or reinforcing the army under the rebel General Greene. Of this I likewise sent immediate notice to Vice Admiral Arbuthnot, and (though I had indeed taken for granted he
had

had already detached a proper number of ships to clear the Chesapeak) submitting to him, if he had not done it, the propriety of doing it directly. As the post at Portsmouth, though perfectly secure at this season of the year from any attempt on the land side, was not equally so from a landing of troops in Lynhaven or Willoughby Bays, should the French naval force be permitted to remain too long in possession of those waters.

"March 4th. I now immediately embarked the troops destined for this service, and directed them to be placed in a situation from whence they might proceed to sea at a moment's notice, having reason every hour to expect the Admiral's appearing with his Squadron to escort them; especially as I had just received a letter from him, dated the 2d, to that effect, and acquainting me, that he had "that morning received *undoubted* intelligence by a friend (who left Rhode Island the 26th ultimo) that 1000 French troops embarked the 25th, to which more were to be added, and that they were supposed to have sailed for the Chesapeak, on the 27th."

"On the 7th, I received another letter from the Admiral, dated the 4th, saying "he would move *immediately* with the ships, sending a frigate to reconnoitre Rhode Island in passing, and regulate his measures with respect to *calling off the Hook* by what is discovered there, and that he had ordered the Richmond, Orpheus, and Savage, to proceed with the reinforcement, in case he should not *call off the Hook*."

"From these letters I was induced to expect that I should either see or hear from the Admiral before the expedition moved from hence. But by his orders to the naval commanding officer in this port, (of the same date, and sent I suppose at the same time with his letter to me of the 4th) "directing him to proceed with the transports *to the Chesapeak with all possible expedition*;—and, if I declined sending any reinforcement to Virginia, requiring him *positively* to join the Admiral in the Chesapeak with all possible dispatch," it seemed to appear that the Admiral was already sailed to that bay. Captain Hudson, who commanded the king's ships, understood this also as a *positive order* for him to *proceed immediately*. I however thought it singular, that Captain Hudson should receive from the Admiral, such positive orders to sail immediately to the Chesapeak, when his letter to me of the same date, (recapitulating these orders) only says, that he is directed to do so *in case the Admiral does not call off the Hook*."

"Having therefore no means of ascertaining whether the Admiral was gone to the Chesapeak, or not, or whether he had even sailed from Gardiner's Bay,—or whether the whole or any part of the French fleet had moved from Rhode Island to the Chesapeak, I thought it right to submit to Captain Hudson the propriety of staying a *little longer* in expectation of this matter being cleared up, either by the Admiral's appearance off the Hook, or at least a message from him, declaratory of his intentions;—as during our present uncertainty, I did not think it advisable to let the troops go before I heard again from the Admiral, with which he was so obliging as to acquiesce. I immediately after this wrote again to the Admiral, informing him that the expedition to the Chesapeak, only waited for his orders, and earnestly requesting that he would without loss of time favour me with his *positive advice respecting this very serious and interesting subject*, because as long as I had reason from his information to suppose that part of the French fleet were gone

to the Chesapeak, I could not think of risking such a corps of troops under the convoy of only two frigates, unless I was assured that he was in a situation to cover them.

" March 11th. Soon after this letter was dispatched, information arrived from Brigadier-General Arnold, dated the 8th, that the Chesapeak was entirely clear of a French naval force. By which, being persuaded that the report of one having sailed thither from Rhode Island on the 27th ultimo, was not founded, I did not hesitate a moment to give it to Captain Hudson, as my opinion, that the expedition should sail without loss of time, under the convoy the Admiral had allotted for it; suggesting to him at the same time, whether he had not better take with him all the King's ships now here, or which he might fall in with on his passage. I was also more strongly confirmed in this opinion, by a letter I received from the Admiral, dated the 8th, informing me of "*undoubted intelligence received at two o'clock that afternoon by express for that purpose*, that the French fleet and troops are evacuating Newport with the greatest expedition, and that their destination is certainly for Virginia.

" March 14th. This day a letter (of which I have the honour to inclose a copy) dated the 11th at sea, was brought to me from the Admiral, by the Halifax sloop of war, Captain Bowers, who fortunately fell in with him off Montack Point, on the 10th instant. In addition to what the Admiral says, Captain Bowers informs me that the whole French fleet and army sailed from Newport on the 8th instant, having totally evacuated and dismantled the post at that place, and taken with them all their artillery and the whole of their troops, except the Duc de Lauzun's legion, which is to join Mr. Washington. However, I am not without hopes, that as the Admiral is clear of all incumbrance, notwithstanding they had two days start of him, he will overtake them before they get the length of the Chesapeak, should that be *really* their destination, which I have some doubts about.

" From so very unexpected an event as the *total evacuation of Rhode Island*, it is impossible for me at present, my Lord, to judge of consequences; but should the Vice Admiral be so fortunate as to overtake the French fleet before they reach the Chesapeak, we may venture to expect the happiest issue. However, if they should get thither before he does, I do not imagine that they will risk an action, but when they find it not in their power to act against our post at Portsmouth, (which I am in great hopes will be the case) they will most probably secure themselves in York-river, at York-town, under the cover of works, which were raised last year on very commanding ground on each side of that river, for the protection of the Fort and two frigates which wintered there.

" March 15th. Late last night, I received the inclosed letter from the Admiral, dated the 12th, by the Master of the vessel that gave him the information. By his account, (which is likewise inclosed for your Lordship's information) it appears that the enemy had no transports with them; which makes me suspect that all the troops they carried, are on board their men of war, and that the news of the evacuation of Rhode Island is premature. I inclose your Lordship a list of Vice Admiral Arbuthnot's force, and that of the French, as from the Admiral's letter, I think an action is certain if the enemy are bound to the Chesapeak; and I have every hope of its success, which so fine a fleet and the abilities of its Commander can give me.

" By

" By the inclosed extracts from Brigadier-General Arnold's letters to me, your Lordship will perceive he is under no apprehensions of any sudden misfortune. And with respect to the rebel troops, marched to the southward under Fayette, I have no doubt their progress (at least by water) will be impeded, if the officer commanding the King's ships in the Chesapeak has availed himself of the information I have sent him; nor do I think they can arrive near our posts before the 20th at soonest. The reinforcement under General Phillips, waits only for a wind to go to sea. I wish it could have been stronger; but I have not another transport left;—those sent to Virginia with General Arnold, remaining still there, I suppose for want of convoy to bring them back; and those of General Letlie's expedition, having been unfortunately ordered by Colonel Balfour to England from Charles-town.

" I have the honour to inclose for your Lordship's information, a copy of my instructions to Major-General Phillips.

" The best information which my late letters from the southward, and intelligence from the rebel country, enable me to give your Lordship, respecting Lord Cornwallis's situation, is, that having forced the passage of the Catawba, and dispersed the militia who opposed him, his Lordship had penetrated into North Carolina, as far as Hillsborough, driving before him the rebel Generals Greene and Morgan, who fled towards Virginia, with the utmost precipitation. And General Arnold's late dispatches give me reason to think that his Lordship has even reached the Banks of the Roanoke.

" March 16th. A vessel having arrived this morning from the Chesapeak, affords me the pleasing opportunity of inclosing to your Lordship extracts of Brigadier-General Arnold's letter to me of the 12th instant, and of Lieutenant-Colonel Balfour's letter of the 4th, which will inform your Lordship of the state of our affairs in Carolina and Virginia at those periods. The Master of the vessel who brought these dispatches, declares that he yesterday morning, saw a fleet of twelve large ships, forty miles to the southward of Cape Henlopen, five leagues from the land. As by the description and the course they steered, I judge them to be Vice Admiral Arbuthnot's squadron, I think it probable he will be able to cut off that of the French from the entrance of the Chesapeak.

" As I wish to give your Lordship the earliest intelligence of the present critical state of affairs in this quarter, I think proper to dispatch this packet directly, especially as I have another here ready to be sent off, with the account of such other important events as may happen.

" I have the honour, to be, &c."

(Signed) " H. CLINTON."

Extract of a Letter from Brigadier General Arnold to Sir Henry Clinton, K. B. dated Portsmouth, March 8th, 1781.

" SIR,

" On the 6th, I received information that my Lord Cornwallis had not penetrated farther than the Dan or Roanoke rivers, and that in consequence of the misinformation (sent to the rebel army by express, as mentioned in my last) being contradicted, their detachment had returned to their army at Suffolk,

Suffolk, as well as Mr. Gregory to the North West Bridge. Their force at the former place 3000 men, at the latter 500. On this change of affairs; the troops under the orders of Colonel Dundas, who were designed up the James-river, were countermanded. But as they were on board ships, and a favourable opportunity offering to attack the enemy's post at the half-way house, between Hampton and York, twelve miles from the former, Lieutenant Colonel Dundas being joined by thirty dismounted dragoons of the Queen's-rangers, proceeded in boats on the night of the 7th, to the back river thirty miles from his ships on the Chesapeak-bay, where he landed at four o'clock about 200 men; two boats with a part of his detachment having parted with him in a thick fog, and heavy squall of wind and rain, he marched three miles to the enemy's post, which he found had been evacuated three nights before. He however destroyed a small magazine of about one hundred stand of arms, some provisions and ammunition; and on his way to Newport-news, fell in with a party of forty of the enemy. A skirmish ensued, in which fourteen of the enemy were left dead on the field, and seventeen made prisoners, among the former was a Colonel Mallery, and Colonel Curl among the latter.

"Lieutenant Stewart of the 80th regiment was killed in the action, Lieutenant Salisbury of the *Romulus*, and two privates slightly wounded; Lieutenant Colonel Dundas had his horse shot under him, and upon this, as well as every other occasion, has behaved with great bravery.

"The enemy within two days have moved with their force, said to be upwards of three thousand men, to Brickett's mills twelve-miles from this place, and threaten an attack upon us. I have every reason to believe that they have collected this force to co-operate with the French ships and troops which they hourly expect from Rhode Island.

I have invited the Commodore to meet Lieutenant-Colonels Dundas, Simcoe, Robinson, and myself, with some of his officers, to determine our mode of defence in case of an attack, which I expect will be done this evening, or to morrow morning. I am clear of opinion, that if the Commodore gives up Craney-island's bar, that every King's ship and transport here, will fall a sacrifice in forty eight hours after the arrival of a superior fleet and army to ours. We are, however, all in high spirits, not doubting but that our wants and critical situation will be properly attended to.

"I have the Honour to be, &c.

(Signed) "B. A R N O L D."

Copy of a Letter from Brigadier General Arnold to Sir Henry Clinton, K. B. dated Portsmouth, March 12th, 1781.

"S I R,

"I have renewed my repeated applications to Commodore Symonds, to send some frigates upon the Chesapeak — He has at last consented, and the *Hope*, and General Monk sailed yesterday for the bay. I am afraid they will be too late to prevent Mr. Washington's troops from crossing to Baltimore or Annapolis.

"Commodore Symonds, at my earnest request, has at last consented to attempt to stop the enemy's ships at the bar, below Craney-island, should
them

hey attempt to come up here. — He is preparing ships to sink for that purpose.

“The enemy remain quiet in their quarters; between this place and Suffolk, a small party of the Queen’s-rangers fell in with about eighty of the militia, who had crossed over to Princess Anne yesterday, killed six, wounded a number, and took some prisoners, and dispersed the party. General Gregory, of North Carolina, who commanded at the north-west bridge, is in arrest, on suspicion of negotiating to deliver up his party to us, which arose from some papers found in a gun-boat taken from us.

“We have heard nothing of the French fleet: nor have I received any intelligence from my Lord Cornwallis since my last.

“I have the honour to be, &c.

(Signed) “B. ARNOLD.”

Copy of a Letter from Earl Cornwallis, to Lord George Germain, dated Wilmington, North Carolina, 23d April, 1781.

“MY LORD,

“I yesterday received an express, by a small vessel from Charles-town, informing me, that a frigate was there, but not then able to get over the bar, with dispatches from Sir Henry Clinton, notifying to me, that Major General Phillips had been detached into the Chetapeake, with a considerable force, with instructions to co-operate with this army, and to put himself under my orders. This express likewise brought me disagreeable accounts, that the upper posts of South Carolina were in the most imminent danger, from an alarming spirit of revolt among many of the people, and by a movement of General Greene’s army.

“Although the expresses I sent from Cross-creek, to inform Lord Rawdon of the necessity I was under of coming to this place, and to warn him of the possibility of such an attempt of the enemy, had all miscarried, yet his Lordship was lucky enough to be apprized of General Greene’s approach, at least six days before he could possibly reach Camden; and I am therefore still induced to hope from my opinion of his Lordship’s abilities, and the precautions taken by him and Lieutenant Colonel Balfour, that we shall not be so unfortunate as to lose any considerable corps.

“The distance from hence to Camden; the want of forage and subsistence on the greatest part of the road; and the difficulty of passing the Pedee, when opposed by an enemy, render it utterly impossible for me to give immediate assistance, and I apprehend a possibility of the utmost hazard to this little corps, without the chance of a benefit in the attempt: for if we are so unlucky as to suffer a severe blow in South Carolina, the spirit of revolt in that province would become very general, and the numerous Rebels in this province, be encouraged to be more than ever active and violent: this might enable General Greene to hem me in among the great rivers, and by cutting off our subsistence, render our arms useless. And to remain here for transports to carry us off, would be a work of time, would lose our cavalry, and be otherways as ruinous and disgraceful to Britain as most events could be. I have therefore, under so many embarrassing circumstances, (but looking upon

Charles-town as safe from any immediate attack from the Rebels) resolved to take advantage of General Greene's having left the back part of Virginia open, and march immediately into that province, to attempt a junction with General Phillips.

"I have more readily decided upon this measure, because if General Greene fails in the object of his march, his retreat will relieve South Carolina; and my force being very insufficient for offensive operations in this province, may be employed usefully in Virginia, in conjunction with the corps under the command of General Phillips.

"I have the honour to be, &c.

(Signed) "CORNWALLIS."

Substance of opinions given to Major General Phillips, in several conversations, previous to his embarkation, on the subject of operations in the Chesapeake.

"Until I know Lord Cornwallis's success to the southward, and what force can be spared from the southern district for farther operation, and until the reinforcements expected to this army arrive; such troops as are in the Chesapeake may be employed, first in assisting his Lordship's operations, and then in either establishing a permanent post near the entrance of that bay (if the naval commander does not approve of the one in Elizabeth river) where large ships, as well as small, may lie in security during any temporary superiority of the enemy's fleet; or, if such a post cannot be found, in employing what remains of the season in carrying on desultory expeditions against such towns, stations, magazines, &c. and as the enemy may have there; to convince those people more by what we can do, than what we really do, that they are in our power, and finally, in pursuing the same plan (supporting friends) in a more northerly and healthy climate.

"With regard to a station for the protection of the King's ships, I know of no place so proper as York-town, if it could be taken possession of, fortified and garrisoned with 1000 men; as by having 1000 men more at a post somewhere in Elizabeth river, York and James rivers would be ours, and our cruisers might command the waters of the Chesapeake. Troops might likewise be spared from these posts, to carry on expeditions during the summer months, when probably nothing can be risked in that climate but water movements. But if the heights of York, and those on Gloucester side, cannot be so well and so soon fortified, as to render that post hors d'insulte, before the enemy can move a force, &c. against it, it may not be advisable to attempt; it in that case, something may possibly be done at Old Point Comfort, to cover large ships lying in Hampton-road (which is reckoned a good one, and not so liable to injury from gales at N. E. as that of York, particularly in winter.) If neither can be secured, we must content ourselves with keeping the Chesapeake with frigates and other armed vessels, which will always find security against a superior naval force in Elizabeth-river. As our operations in proper season may re-commence in the upper James, perhaps a station might be found at the entrance of the narrows of that river, that may be of use in a future day, and held with a small force. James-town seems a proper spot for such a station, as does the place where the narrows and windings begin.

Extract of a Letter from Sir Henry Clinton, to Lord George Germain, dated New York, 23d and 30th April, and 1st May, 1781.

“MY LORD,

“I have the honour to acknowledge the receipt of your Lordship’s original dispatch, No. 76, two letters from Mr. Knox, dated 4th of January, and duplicates of your Lordship’s dispatches, marked No 74 and 75, separate letter of the 6th and circular one of the 7th December; which having been taken out of the Cormorant sloop at sea, by his Majesty’s ship Chatham, were delivered to me yesterday.

“His Majesty’s ship Amphitrite, having also at the same time brought me dispatches from Carolina, I have the honour to enclose to your Lordship the copy of a letter I received by her from Earl Cornwallis, dated the 10th instant. This being the only authentic information I have as yet had of his Lordship’s march, and the battle of Guildford, and his Lordship having proposed to send one of his aids de camp immediately to England, with a particular account of all his proceedings, I shall decline troubling your Lordship with any other observations thereon, than to confess myself at a loss to conceive how his Lordship’s numbers came to be reduced before the action to 1360 infantry, as he says all his military operations were uniformly successful; and as from every information given me, I have great reason to believe his Lordship had above 3000 men, besides cavalry and militia, when he entered North Carolina.

“In the hope that Lord Cornwallis’s success amongst our friends in North Carolina, which was the principal object of his March into that province, would have been such as to have restored it, and South Carolina to tranquillity; I had, in a letter I wrote to his Lordship on the 10th instant, submitted to him the propriety in that case of his coming in a frigate to the Chesapeak; and though it is now probable that he may not think his presence in Carolina can be so soon dispensed with, it is possible, as he seems of opinion that his army cannot be in a condition again to act before it is reinforced, that his Lordship may perhaps avail himself of that invitation, to go thither to consult with Major-General Phillips. In which case, such plans will of course be settled between them, as may best assist what farther operations his Lordship may still propose to carry on in the Carolinas during the remainder of the season. After those are over, such others will take place to the northward of them, as the reinforcements we may receive shall enable us to undertake. For I have ever been sensible of the very great importance of operations in the Chesapeak, though I am aware that they are attended with great risk, unless we are sure of a permanent superiority at sea. But I must beg leave, my Lord, in this place to observe, that I cannot agree to the opinion given me by Lord Cornwallis in his last letter, that the Chesapeak should become the seat of war, even (if necessary) at the expence of abandoning New-York.

“April 30th. I have the honour to enclose to your Lordship, extracts from such parts of Major-General Phillips’s last dispatches, and my answers to him and Lord Cornwallis, as appear to be most material; and to inform you, that after consulting General Knyphausen and General Robertson, upon his requisition for a still farther re-inforcement, I do not hesitate to send

him one as soon as the Admiral's fleet is prepared for sea. But, as the plans I had in view for the campaign must necessarily have undergone a considerable change since the knowledge given me of Lord Cornwallis's situation, in his letter of the 10th instant, it may not be necessary to say much to your Lordship on some of those we had in meditation before the receipt of it; it being probable that Lord Cornwallis will of course have given General Phillips directions to employ the Chesapeak corps in such operations, as he judges may best assist his own in Carolina, with which, however, your Lordship will perceive that I am as yet totally unacquainted.

"As soon as the inclemency of the season shall have put an end to Lord Cornwallis's offensive measures in the Carolinas, operation will of course begin to the northward of them.

May 1st. The Admiral having this day signified to me, that he means to lose no time in proceeding to sea with his fleet; the transports with the troops intended for the Chesapeak, immediately fell down to Staten-land; where they wait his pleasure to go thither, under the convoy of such ships of war as he may appoint, or under that of his fleet, should he think proper to take them along with him, which will of course depend on the situation of the enemy's squadron at Rhode-land, which by the last accounts from thence was said to be ready to sail.

Extract of a Letter from Sir Henry Clinton, to Lord George Germain, dated New-York, May 18th, 1781.

"MY LORD,

"The packet being detained by contrary winds, gives me an opportunity of transmitting for your Lordship's information, the copy of a letter I received yesterday from Brigadier-General Arnold, detailing (in Major-General Phillips's illness, which I am sorry to inform your Lordship, is represented as very alarming) the transactions of the army in the Chesapeak since the 18th ultimo.

"I lament most exceedingly, my Lord, the very critical situation which the inclosed copy of a letter from Lord Cornwallis to Major-General Phillips describes the southern army to be in. As by his Lordship's letter to me of the 10th of April, it appears that General Greene was on the 6th still at Deep-river, there is reason to hope that he could not have advanced so far into South Carolina as his Lordship suspects, and that his Lordship, instead of moving towards Hillsborough, or Petersburg, shall have gone back to South Carolina either by sea or land, for I am told, that from Wilmington to George-town is only a hundred and twenty miles, and from that place to Camden not above five or six days march: but till I hear farther from his Lordship, I cannot hazard an opinion, respecting his intended movements, or what may be the consequence.

"Should his Lordship have formed a junction with General Phillips, at or near Petersburg, I shall if circumstances make it expedient at the time, proceed there myself, and on consultation with Lord Cornwallis, and the other general officers, form some plan of operations for the campaign.

"In the very critical situation of our affairs to the southward, I should indeed have proceeded immediately to the Chesapeak, but Lieutenant-General

General Knyphausen's precarious state of health, which Brigadier-General Leland will explain to your Lordship, and the very reduced defensive state of this post, seem more forcibly to require my remaining here, at least for the present. I therefore think it right to dispatch Lieutenant-General Robertson in a frigate to Virginia, that he may assume the command of the army there until he either hears from, or is joined by Earl Cornwallis, or until he receives father orders from me. And for his guidance in the mean time, I have referred him to the instructions and opinions I have given to Major-General Phillips, copies of which have been transmitted to your Lordship.

"I am happy in being able to congratulate your Lordship upon the very important success which the King's troops in Virginia have had on their late expedition to Petersburg, &c. as described in Brigadier-General Arnold's letter, which must ultimately be productive of the very best consequences to his Majesty's service, as it is credibly reported that the greatest part of the tobacco collected there, was French property, and almost their entire annual remittance.

"Before I conclude this letter, I beg leave to inclose to your Lordship, an extract of a report I have this day received. I however sincerely hope, indeed I cannot doubt, but I shall have some information of the sailing of such a fleet as that is described to be, and a certainty of their being immediately followed long before they can arrive on this coast, therefore if such an armament has really sailed, and there should be great reason to suppose they are intended for this coast, I shall think it advisable without loss of time, to give up all operation in the Chesapeake, while there is a possibility of the enemy being superior at sea, and recommend it to the general officer commanding there, to take some defensible post with part of the troops, and send such as can be spared to this place, not only, my Lord, for the security of great part of the Chesapeake corps, but for that of this important post.

Extract of a Letter from Sir Henry Clinton, to Lord George Germain, dated New-York, 9th June, 1781.

"In my dispatch, No. 126, I had the honour to inform your Lordship, that Lieutenant-General Robertson was upon the point of going to the Chesapeake, to take the command of the troops there. But Major-General Phillips's aid-de-camp having soon after arrived here, with the account of Lord Cornwallis having entered Virginia; and the melancholy news of Major-General Phillips's death, I thought it unnecessary to send General Robertson, who is accordingly returned to this post: And I now have the honour to inclose for your Lordship's information, the copy of a letter I soon after received from Lord Cornwallis, dated at Petersburg in Virginia, the 20th ult. with extracts from my answer.

"As Lord Cornwallis will have been informed on the next day, of the arrival in the Chesapeake of the last reinforcement from hence; and that Vice-Admiral Arbuthnot was at sea, I am inclined to suppose he will of course proceed immediately against La Fayette, who, I think, cannot escape him. But should he, however, have unfortunately gone off in time, his Lordship will not, I expect, confine himself to James-river; unless some operation can

can be carried on there, which may force Greene to quit the Carolinas; but he will probably proceed to Baltimore or the Head of Elk.

"But as your Lordship will observe, I have left Lord Cornwallis wholly at liberty to pursue such measures as he shall judge best. I cannot say, until I hear again from his Lordship, what may be the plan most proper to follow at this time. The appearance of so formidable a force in the Chesapeake, may incline some of those provinces to submit; but if we have not their hearts, there is reason to believe, that on the first turn of fortune, should that be by the arrival of a superior French fleet, they will revolt again, and render our situation every where critical. For my own part I am convinced, that without our friends join us heartily, we shall never keep what we may reduce. How the experiment has failed in the Carolinas, I cannot judge.

"The Vice-Admiral's fleet is gone to sea, with a promise from him, (in consequence of my strong representations) *that every measure will be taken to protect and cover my operations in the Chesapeake, and every other quarter.* Notwithstanding which, I fear he has sailed to Boston bay, as he possibly may think that the proper station, of which he must of course be the best judge. I have, however, forwarded to him all the intelligence I send your Lordship, which may probably decide him to come to that of Rhode-Island, which, I think, would stop all operations of the enemy, both against the Chesapeake (of which I am most jealous) and this place, or at least against the former.

"I shall write to Sir George Rodney, and send him copies of these intercepted letters. He will of course watch De Graffe, and if he comes here, will, I hope, follow him; for I must beg leave to repeat to your Lordship, that if the enemy remain only a few weeks superior at sea, our situation will become very critical. June 11th, having this moment received a letter from Lord Cornwallis, of the 26th ult. I have the honour to transmit an extract of it to your Lordship, with my answer, which will spare me the necessity of detaining the fleet, while I prepare a particular detail of my intentions, in consequence of the state of our affairs in Virginia, and the opinions Lord Cornwallis has now given me of my proposed operations. June 12th, by a letter I have received from the Admiral, I find he is just returned to the Hook."

Extract of a Letter from Major-General Leslie, to Sir Henry Clinton, dated Portsmouth, June 17th, 1781.

"I can hear nothing of Lord Cornwallis, since he marched from Westover the 26th ult. but I fear he has not fallen in with La Fayette. I have sent an armed vessel up the Rappahannock, to look for them in case they are near Fredericksburgh. When I hear from his Lordship, I shall forward the contents to New-York by an advice vessel. All is quiet here; the whole country taking parades. A few militia near our out posts; but there is no getting hold of them for swamps, &c."

Extract of a Letter from Sir Henry Clinton, to Lord George Germain, dated New-York, July 13th, 1781.

"I had the honour to inform your Lordship, in my dispatch, No. 131, that I only waited for the arrival of a reinforcement, which I expected from

from the Chesapeak, to send off the expedition I had proposed, which I had formed on a supposition that Lord Cornwallis could have spared me at least two or three thousand men, from the 7000 effectives, he had in Virginia; but at the instant, when every thing was prepared for its moving, and I expected the arrival of the troops I called for, I received a letter from his Lordship, dated the 30th ult. by the inclosed extract from which your Lordship will perceive, that he does not think he will be able to maintain the healthy and important station I had recommended to him, if he complies with any part of my requisition; the utmost extent of which did not exceed 3000 men, and of that number I only called for such a part as his Lordship might think he could spare, from the ample and respectable defensives of a post, in which Brigadier-General Arnold's information gave me every reason to suppose 2000 might bid defiance to every effort which could be made against it. And it further appears from his Lordship's letter, that he proposes quitting the Neck of Williamsburgh altogether, and retiring with his army to Portsmouth, a measure which, I however still flatter myself, his Lordship may possibly wait to receive my opinion about, before he carries it entirely into execution; especially if he should give my requisition another consideration. Therefore, upon finding that not only this was likely to be the consequence, of my withdrawing any part of his Lordship's force, but that even the possession of the Chesapeak became a question with him, I immediately gave up all ideas of offensive operation, and requested a conference with Rear-Admiral Graves, Commodore Ailleck, and Lieutenant-General Robinson, upon this very serious business; the result of which I have the honour to inclose for your Lordship's information, in the copies of the letters I wrote in consequence to Lord Cornwallis, and the general officer commanding the troops, who might be embarked for this place.

"I cannot better explain to your Lordship the reasons I had for undertaking this important service, and the mortification I feel from my not being able to carry it into execution, than by referring you to my correspondence with Lord Cornwallis upon the subject; and I therefore beg leave to trouble your Lordship with some extracts from it for your information. By these, I am persuaded, it will appear, that although I certainly wished that Lord Cornwallis should remain upon the defensive in the Chesapeak during the summer months; and that he should, in that case, send me for operation here, such a portion of his force as he could spare from the amplest and most respectable defensive, I left the posts he was to occupy, as well as the number he was to keep totally to his Lordship's judgment; only with respect to the first, recommending to his attention my correspondence with General Phillips, wherein I had suggested the propriety of possessing the Heights of York and Gloucester, as a proper station to secure a harbour for our line of battle ships, which the enemy would probably lay hold of if we did not. I cannot, therefore, be less surprized than concerned, to find that his Lordship, in consequence of my requisition to him for a reinforcement, (which he was left at liberty to comply with or not, as he might see expedient) has thought proper to retire from a district of so much importance; nor can I, my Lord, comprehend why, because his Lordship cannot act offensively during the severity of the present season; he should advise the totally giving up the Chesapeak, whereby we should probably have our fu-

ture operations there to begin with a siege, in case the enemy should take the advantage of our absence and fortify. As upon perusing the inclosed correspondence, your Lordship will perceive, that Lord Cornwallis and I differ in opinion, with regard to the operations proper to be pursued in the Chesapeak, when the season shall make them practicable, it may not be improper, in this place, to say a few words, in explanation of my reasons, for not acceding to his Lordship's sentiments, as stated in his letter of the 10th April, "*That until Virginia is in a manner subdued, our hold in the Carolinas must be difficult if not precarious.*" Though I never had a doubt of the important advantages we might derive from the possession of Virginia, I am humbly of opinion, that the assistance of friends is absolutely necessary to attain it; which, I think, cannot be done in so large and populous a province as Virginia, unless the inhabitants themselves are disposed to join us. I therefore judged it best to content ourselves at first, with laying hold of a respectable naval station in that province, from whence we might command the entrance, and the waters of the Chesapeak, and then carry our arms to the head of that bay."

Extract of a Letter from Sir Henry Clinton, to Lord George Germain, dated New-York, 7th September, 1781.

"MY LORD,

"In my dispatch, No. 38, I had the honour to inform your Lordship, that General Washington had suddenly quitted his camp at White Plains. I have now that of communicating to you his subsequent movements:

"He passed the Croton on the 19th ult. taking a station within a few miles of it. On the 23d and 24th, he crossed the North-river, and by the position he took, seemed to threaten Staten-Island, until the 29th, when he suddenly moved towards the Delaware. At first I judged this to be a feint; but finding that he passed that river with some of his avant guards, and publicly talked of the Count de Grasse's being every moment expected in the Chesapeak, to co-operate with him, I immediately endeavoured, both by land and water, to communicate my suspicions to Lord Cornwallis; at the same time assuring his Lordship, that I would either reinforce him by every possible means in my power, or make the best diversion I could in his favour.

"As Rear-Admiral Graves sailed from hence with his own and Sir Samuel Hood's Squadron, the 31st ult. in consequence of the intelligence received respecting the Rhode-Island fleet, as mentioned to your Lordship in my last dispatch; and as Lord Cornwallis, in his letter of the 31st ult. and 2d instant, which I received on the 4th and yesterday, and of which I have the honour to inclose copies with my answers, informs me the Count de Grasse was in the Chesapeak with a considerable armament. I am in hourly expectation of hearing that Rear Admiral Graves has either intercepted Barras, or attacked the fleet in the bay, or perhaps both; in the mean time, I have embarked 4000 troops, with which I shall instantly proceed myself to relieve Lord Cornwallis, as soon as I know the passage to him is open.

"By the inclosed return of the 15th August, your Lordship will be informed of the force Lord Cornwallis had with him at that period; since which

which I have no cause to think it has been diminished, but on the contrary that many of the sick have recovered; besides which the Commissary of prisoners informs me, that from the assurances of the Rebel Commissary, he judges his Lordship has been joined by about five or six hundred exchanged men, of the troops captured in the unfortunate affair of Cowpens. His Lordship's former force therefore being 6000, I am in hopes it will be increased to nearly 8000, by the addition of these 500, the sailors and marines of the squadron, and the refugees who have joined him.

"The force of the enemy opposed to his Lordship, will consist of the French troops, arrived with De Grasse, which are reported to be between three and 4000, those with Washington 4000, the Rebel Continentals about 4000, and in all probability a very numerous militia if they can arm them."

"This, my Lord, is a very alarming report of our situation, and I therefore cannot sufficiently lament the impossibility there was of sending me the reinforcement I solicited, for as your Lordship may now perceive that my requisition was not a wanton one, I have reason also to be concerned that even what was sent to me, could not have been sent away soon enough to join me at an earlier period of the campaign; and that of the three complete battalions, which I was told General Vaughan would certainly send me from Leeward Islands, only one very weak one has been yet added to this army. Your Lordship will likewise have observed, that instead of receiving a reinforcement from Lord Cornwallis, as I had expected last year, I have been obliged to detach in the whole about 8000 men to his Lordship; besides leaving in Carolina the three regiments which lately arrived there from Ireland.

"But this is not a time, my Lord, for vain lamentations; things appear to be coming fast to a crisis; we are therefore no longer to compare forces with the enemy; but to endeavour to act in the best manner we can against them: and your Lordship may be assured, that with what I have, inadequate as it is, I will exert myself to the utmost to relieve Lord Cornwallis."

Extract of a Letter from Sir Henry Clinton to Lord George Germain, dated New-York, 12th September, 1781.

"Your Lordship will see by the copies of my letters to Lord Cornwallis and Admiral Graves, (which are enclosed in the last and my present dispatch) what my intentions are; and that I judge the only way of effectually relieving his Lordship is by going to him, which may likewise afford us an opportunity of bringing matters to a decision. But your Lordship must be sensible that I cannot stir from hence, until the Admiral informs me the passage is open; as I should else fall most probably to certain destruction: and should the French fleet prove superior to ours, remain in the Chesapeake, and Mr. Graves does not find it expedient to attack them now, or when Admiral Digby joins him, I own I shall despair of being able, by any means, to relieve the army there, as long as circumstances continue in that situation.

"Before I heard from Lord Cornwallis that De Grasse was in the Chesapeake, I had some intention of moving into Jersey, with such a small force as I could spare from hence, in order to divert Mr. Washington from his

march to the southward. But the instant I knew of the French being actually there, and that Washington had moved decidedly to meet them, I saw I had no way of relieving his Lordship but by joining him; for if Washington has hopes of success against him, all the general officers concur with me in opinion, that no diversion I can make could turn him. Besides, whilst engaged in such a move, I might possibly, by being detained too long, lose the opportunity of making a direct one, which I must once more beg leave to repeat, I am persuaded is the only one which can afford his Lordship the least effectual assistance, and give us afterwards a chance of decisive operations. I shall therefore represent this in the strongest light to Rear-Admiral Graves; and as I have every reason to suppose he thinks as I do, I cannot doubt his co-operating with me to the utmost of his power.

Extract of a Letter from Sir Henry Clinton to Lord George Germain, dated New-York, 26th September, 1781.

“ In the very critical situation of Lieutenant-General Earl Cornwallis, and that part of the army under his immediate command, occasioned by the very unexpected naval superiority of the enemy, I wish to give your Lordship the earliest and most circumstantial information in my power. I have therefore, in my three last letters, had the honour to detail the most material transactions as they occurred, accompanied by the copies of such letters and papers as appeared necessary for that purpose; and I now have that of inclosing to you copies of subsequent correspondence with his Lordship and Rear-Admiral Graves, by which your Lordship will see the steps I have taken on this important occasion: And that the day after I had closed my dispatch, No. 141, I received a letter from the Admiral, dated the 9th instant, to inform me that the enemy being absolute masters of the navigation of the Chesapeake, there was little probability of any thing getting into York-river but by night, and an infinite risk to any supplies sent by water; at the same time acquainting me, that he had, on the 5th, a partial action with the French fleet of 24 sail of the line; and that the two fleets had been in sight of each other ever since, which making it inexpedient to send off the reinforcement immediately, under such dangerous circumstances, I thought it right to call a council of the general officers on the subject, who unanimously concurred with me in opinion, that as Lord Cornwallis had provisions to last him to the end of October, it was most adviseable to wait until more favourable accounts from Rear-Admiral Graves, or the arrival of Rear-Admiral Digby, rendered the sailing of the reinforcement less hazardous; and that as they judged that nothing but a direct movement to his Lordship could afford him the least effectual assistance, and Rear-Admiral Digby was hourly expected, no other ought to be undertaken, whilst this was possible, lest the principal object should be thereby delayed. On the 17th, I received another letter from the Admiral, dated the 15th, saying, that the French fleet had anchored within the Capes of the Chesapeake, and the flag officers being of opinion, that a shattered fleet as ours should not be exposed to a storm at the equinox, he determined to shelter at New-York; upon which another council of the Lieutenant-Generals was immediately called, in which it was resolved, that the Rear-Admiral should be immediately

ately informed that it was their unanimous opinion, "It is absolutely necessary that a reinforcement of troops and supplies of provisions should be sent to Lord Cornwallis, the first moment it is practicable; and that the attempt should be made, at all events, before the end of October." This was accordingly done without loss of time, but our fleet having arrived at the Hook on the 19th, a council of war, composed of flag and general officers, was assembled as soon as possible, the minutes of which (which I have the honour to inclose) will inform your Lordship that 5000 men are to be embarked on board the King's ships as soon as they are refitted, and that the exertions of both fleet and army shall be made to form a junction with the squadron and army in Virginia. Rear-Admiral Digby having arrived off the Hook on the 24th instant, I have the honour to acknowledge the receipt of your Lordship's original dispatches, marked No. 87 and 88, separate, dated July 4th and private of July 7th, together with a duplicate of your Lordship's letter, dated June 1st, and an original letter from Mr. Knox, dated July 14th."

Copy of a Letter from Lieutenant-General Earl Cornwallis to Major-General Phillips, dated Wilmington, 24th April, 1781.

"DEAR PHILLIPS,

"My situation here is very distressing; Greene took the advantage of my being obliged to come to this place, and has marched to South Carolina; my expresses to Lord Rawdon on my leaving Cross-creek, warning him of the possibility of such a movement have all failed; mountaineers and militia have poured into the back part of that province, and I much fear that Lord Rawdon's posts will be so distant from each other, and his troops so scattered, as to put him into the greatest danger of being beat in detail, and that the worst of consequences may happen to most of the troops out of Charles-town. By a direct move towards Camden, I cannot get time enough to relieve Lord Rawdon, and should he have fallen, my army would be exposed to the utmost danger from the great Rivers I should have to pass, the exhausted state of the country, the numerous militia, the almost universal spirit of revolt, which prevails in South Carolina, and the strength of Greene's army, whose Continentals alone, are at least as numerous as I am, and I could be of no use on my arrival at Charles-town, there being nothing to apprehend at present for that post, I shall therefore immediately march up the country by Duplin Court House, pointing towards Hillsborough, in hopes to withdraw Greene; if that should not succeed, I should be much tempted to try to form a junction with you. The attempt is exceedingly hazardous, and many unforeseen difficulties may render it totally impracticable, so that you must not take any steps that may expose your army to the danger of being ruined. I shall march to the lowest ford of the Roanoke, which I am informed is about twenty miles above Taylor's Ferry; send every possible intelligence to me by the cypher I inclose, and make every movement in your power to facilitate our meeting, which must be somewhere near Peterburgh, with safety to your own army. I mention the lowest ford, because in an hostile country, ferries cannot be depended upon, but if I should decide upon the measure of endeavouring to come to

you, I shall endeavour to surprize the boats at some of the ferries from Halifax upwards.

“ I am yours, &c.”

(Signed) “ C O R N W A L L I S .”

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated Wilmington, 24th April, 1781.

“ S I R,

“ I have the honour to inclose to you a duplicate of my letter of the 10th, sent by the Amphitrite, and copies of all my letters to the Secretary of State, as they contain the most exact account of every transaction of the campaign, of the present state of things in this district, of my great apprehensions from the movement of General Greene towards Camden, and my resolutions in consequence of it; I have nothing to add to it for your Excellency's satisfaction. Neither my cavalry nor infantry are in readiness to move. The former are in want of every thing, the latter of every necessary, but shoes, of which we have received an ample supply; I must however begin my march to-morrow. It is very disagreeable to me, to decide upon measures, so very important and of such consequence to the general conduct of the war, without an opportunity of procuring your Excellency's directions or approbation, but the delay and difficulty of conveying letters, and the impossibility of waiting for answers, render it indispensibly necessary.

“ My present undertaking sits heavy on my mind. I have experienced the dangers and distresses of marching some hundreds of miles in a country chiefly hostile, without one active or useful friend, without intelligence, and without communication with any part of the country. The situation in which I leave South Carolina, adds much to my anxiety; yet I am under the necessity of adopting this hazardous enterprize hastily and with the appearance of precipitation, as I find there is no prospect of speedy reinforcement from Europe, and that the return of Greene to North Carolina, either with or without success, would put a junction with General Phillips out of my power.

“ I am, Sir, &c.”

(Signed) “ C O R N W A L L I S .”

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated Wilmington, 24th April, 1781.

“ S I R,

“ I have reflected very seriously on the subject of my attempt to march into Virginia, and have in consequence written a letter to Major-General Phillips, of which I have the honour to inclose a copy to your Excellency.

“ I have likewise directed Lieutenant-Colonel Balfour to send transports and provisions to this port, in case I should find the junction with Major-General Phillips inexpedient or impracticable, and that I should have the mortification of seeing that there is no other method of conveying his Majesty's

jeſty's troops to South Carolina, without expoſing them to the moſt evident danger of being loſt.

" I am, &c."

(Signed) " CORNWALLIS."

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, K. B. Peterſburgh, 20th May, 1781.

" S I R,

" You will eaſily conceive how ſenſible an affliction it was to me, on entering this province, to receive an account of the death of my friend, General Phillips, whoſe loſs I cannot ſufficiently lament from perſonal or public conſiderations.

The corps which I brought from North Carolina, arrived here this morning. The information conveyed by your Excellency to General Arnold, relative to the probable movements of the French armament, reſtrains me at preſent from any material offensive operations; but as ſoon as I can hear any ſatisfactory accounts of the meeting of the two fleets, I will endeavour to make the beſt uſe in my power of the troops under my command, General Arnold being of opinion, that Portſmouth, with its preſent gariſon, is ſecure againſt a coup-de main; I would wiſh to avoid making a precipitate movement towards that place without abſolute neceſſity, becauſe it would leſſen our reputation in this province, but I have ſent to aſſure the commanding officer, that I will do every thing I can to relieve him in caſe the French ſhould attack the poſt.

La Fayette is at Wiltown, on the other ſide of James-river, and not far from Richmond, I have not heard that Wayne has yet joined him.

It is with infinite ſatisfaction that I incloſe to your Excellency, copies of two letters from Lord Rawdon, which have relieved me from the moſt cruel anxieties. His Lordſhip's great abilities, courage, and firmneſs of mind, cannot be ſufficiently admired and applauded.

There is now great reaſon to hope that we ſhall meet with no ſerious miſfortune in that province; if, however, General Greene ſhould perſevere in carrying on offensive operations againſt it, we muſt I think, abandon Camden, and probably Ninety-fix, and limit our defence to the Congaree and the Santee; this will be only giving up two bad poſts, which it is difficult to ſupply with proviſions, and quitting a part of the country, which for ſome months paſt, we have not really poſſeſſed.

I have taken every means to inform Major Craig of my having paſſed the Roanoke; on which event it was previously concerted between us, that he ſhould fall down to Bald Head, and from thence proceed to Charles-town as ſoon as transports arrived to carry him.

I have the honour to be, &c.

(Signed) " CORNWALLIS."

Extract of a Letter from Earl Cornwallis to Sir Henry Clinton, K. B. dated at Byrd's Plantation, North of James-river, 26th May, 1781.

" S I R,

" The reinforcement is ſafely arrived in James-river, and I opened all your diſpatches to poor Phillips, marked on his Majeſty's ſervice.

" I hope

" I hope that your Excellency has received my letters from Wilmington, and one of the 20th, from Petersburg; as the latter went by an uncertain conveyance I send a duplicate of it.

" The arrival of the reinforcement has made me easy about Portsmouth, for the present I have sent General Leslie thither with the 17th regiment, and the two battalions of Anspach, keeping the 43d regiment with the army.

" I shall now proceed to dislodge La Fayette from Richmond, and with my light troops to destroy any magazine or stores in the neighbourhood, which may have been collected, either for his use or General Greene's army; from thence I purpose to move to the Neck at Williamsburgh, which is represented as healthy, and where some subsistence may be procured; and keep myself unengaged from operations which might interfere with your plan for the campaign, until I have the satisfaction of hearing from you, I hope I shall then have an opportunity to receive better information than has hitherto been in my power to procure, relative to a proper harbour and place of arms; at present I am inclined to think well of York. The objections to Portsmouth are, that it cannot be made strong without an army to defend it, that it is remarkably unhealthy, and can give no protection to a ship of the line. Wayne has not yet joined La Fayette, nor can I positively learn where he is, or what is his force. Greene's cavalry are said to be coming this way, but I have no certain accounts of it.

Your Excellency desires Generals Phillips and Arnold to give you their opinions; as General Arnold goes to New-York, by the first safe conveyance, you will have an opportunity of hearing his sentiments in person; experience has made me less sanguine, and more arrangements seem to me necessary for such an expedition, than appear to occur to General Arnold.

" I take the liberty of repeating, that if offensive war is intended, Virginia appears to me to be the only province in which it can be carried on, and in which there is a stake. But to reduce the province, and keep possession of the country, a considerable army would be necessary, for with a small force, the business would probably terminate unfavourably, though the beginning might be successful; in case it is thought expedient, and a proper army for the attempt can be found, I hope your Excellency will do me the justice to believe, that I neither wish nor expect to have the command of it, leaving you at New-York on the defensive, such sentiments are so far from my heart, that I can with great truth assure you, that few things could give me greater pleasure than being relieved by your presence from a situation of so much anxiety and responsibility.

" By my letter of the 20th, your Excellency will observe, that instead of thinking it possible to do any thing in North Carolina, I am of opinion that it is doubtful whether we can keep the posts in the back parts of South Carolina, and I believe I have stated in former letters, the infinite difficulty of protecting a frontier of 300 miles, against a persevering enemy, in a country where we have no water communication, and where few of the inhabitants are active or useful friends.

" In enumerating the corps employed in the southern district, your Excellency will recollect that they are all very weak; and that some of the British, as well as Provincial regiments retain nothing but the name; our
weakness

weakness at Guildford was not owing to any detachment unless that with the baggage, but to losses by action, sickness, and during the winter's campaign."

Extracts of Letters from Sir Henry Clinton to Lieutenant-General Earl Cornwallis, dated May 29th, and June 8th, 1781.

"When I first heard of your Lordship's retreat from Cross-Creek to Wilmington, I confess I was in hopes you had reason to consider Greene so totally *hors de combat* as to be perfectly at ease for Lord Rawdon's safety. And after your arrival at Wilmington, I flattered myself that if any change of circumstances should make it necessary, you could always have been able to march to the Wakkamaw, where I imagined vessels might have passed you over to George-town. I cannot therefore conceal from your Lordship the apprehensions I felt on reading your letter to me of the 24th ultimo, wherein you inform me of the critical situation which you supposed the Carolinas to be in, and that you should probably attempt to effect a junction with Major-General Phillips. Lord Rawdon's officer-like and spirited exertions, in taking the advantage of Greene's having detached from his army, have indeed eased me of my apprehensions for the present. But in the disordered state of Carolina and Georgia, as represented to me by Lieutenant-Colonel Balfour, I shall dread what may be the consequence of your Lordship's move, unless a reinforcement arrives very soon in South-Carolina; and such instructions are sent to the officer commanding there, as may induce him to exert himself in restoring tranquillity to that province at least. These I make no doubt your Lordship has already sent to Lord Rawdon, and that every necessary measure for this purpose, will be taken by his Lordship in consequence of them, should he remain in the command. But as there are many officers in the regiments coming out, who are older than Lord Rawdon, I have to lament the probability of his being superseded in it, as I can scarce flatter myself that any of them will be possessed of the knowledge requisite for conducting operations in Carolina, without having ever served in that country, or be so competent to the command there, as officers of more local experience. I therefore beg leave to submit to your Lordship, the propriety of sending either Major-General Leslie, or Brigadier-General O'Hara, to Charles-town, to take the command of the troops in that district, which in the present critical situation of affairs in the southern colonies, will certainly require an officer of experience, and a perfect knowledge of the country. Had it been possible for your Lordship in your letter to me of the 10th ultimo, to have intimated the probability of your intention to form a junction with General Phillips, I should certainly have endeavoured to have stopped you; as I did then, as well as now consider such a move as likely to be dangerous to our interests in the southern colonies. And this my Lord, was not my only fear; for I will be free to own, that I was apprehensive for the corps under your Lordship's immediate orders, as well as for that under Lord Rawdon, and I should not have thought even the one under Major-General Phillips in safety at Petersburg, at least for so long a time, had I not fortunately on hearing of your being at Wilmington, sent another detachment from this army, to reinforce him.

"Your

" Your Lordship will have been informed of my ideas respecting operations to the northward of the Carolinas, by my instructions to the different general officers detached to the Chesapeake, and the substance of some conversations with General Phillips, which I committed to writing, and sent to him with my last dispatch, with directions to communicate it to your Lordship.

" As I judged the force I sent to the Chesapeake, fully sufficient for all operations there, even though we should extend them to the experiment (mentioned in the conversations referred to) and your Lordship will perceive that it was Generals Phillips and Arnold's opinion they were sufficient (which however might certainly require a much greater force) it is possible that the additional corps your Lordship has brought with you, may enable you to return something to me for this post. But I beg your Lordship will by no means consider this as a call, for I would rather content myself with ever so bare a defensive, until there was an appearance of serious operation against me, than cramp yours in the least.

" June 8th. Your Lordship will see by Fayette's letter, that you have little more opposed to you than his corps, and an unarmed militia; for we are told here that the Pennsylvania line has revolted a second time at Yorktown. Your Lordship can therefore certainly spare 2000, and the sooner they come the better, without it should be your intention to adopt my ideas of a move, and put yourself in nearer co-operation with us. But even in that case, you can spare us something I suppose.

" I am persuaded I need not say to your Lordship how necessary it is that I should be informed, without delay, of every change of position in your Lordship's army; and I am sure you will excuse me for observing, that had it been possible, upon the arrival of the last reinforcement from hence, (which I am told joined you the day after the date of your letter on the 20th ult.) for your Lordship to have let me know your views and intentions, I should not now be at a loss to judge of the force you might want for your operations. Ignorant therefore as I am of them, I can only trust, that, as your Lordship will see by the inclosed intercepted letters, my call for a reinforcement is not a wanton one, you will send me what you can spare as soon as may be expedient. For should your Lordship be engaged in a move of such importance, as to require the employment of your whole force, I would by no means wish to starve or obstruct it; but in that case would rather endeavour to wait a little longer until my occasions grow more urgent, or your situation can admit of your detaching, of which however, I request to be informed with all possible dispatch. But with respect to the European reinforcement, I must request that should it arrive in the Chesapeake, it may be sent to me without delay, agreeable to the orders I have sent to the officer commanding at Portsmouth, and the requisition I make by this opportunity to Captain Hudson, or officer commanding the King's ships."

Extract of a Letter from Sir Henry Clinton to Lord Cornwallis, dated New-York, 11th June, 1781.

" MY LORD,

" I am honoured with your Lordship's letter of the 26th ultimo, and as I am unwilling to detain the convoy, I shall not have time to write so fully to your Lordship, as I could wish.

" Respecting

“ Respecting my opinions of stations in James and York rivers, I shall beg leave only to refer your Lordship to my instructions to, and correspondence with Generals Phillips and Arnold; together with the substance of my conversations with the former, which your Lordship will have found amongst General Phillips’s papers, and to which I referred you in my last dispatch. I shall therefore of course, approve of any alterations your Lordship may think proper to make in those stations.

The detachments I have made from this army into the Chesapeak since General Leslie’s expedition in October last (inclusive) have amounted to 7724 effectives; and at the time your Lordship made the junction with the corps there, there were under Major-General Phillips’s orders 5304, a force, I should have hoped would be sufficient of itself, to carry on operations in any of the southern provinces in America, where, as appears by the intercepted letters of Washington and La Fayette, they are in no situation to stand against even a division of that army. I have no reason to suppose the Continentals under La Fayette can exceed 1000; and I am told by Lieutenant-Colonel Hill, of the 9th regiment, that about a fortnight ago, he met at Frederick-town, the Pennsylvanian line under Wayne, of about the same number, who were so discontented, that their officers were afraid to trust them with ammunition. This however, may have since altered, and your Lordship may possibly have opposed to you from 1500 to 2000 Continentals, and as La Fayette observes, a small body of ill-armed peasantry; full as spiritless as the militia of the southern provinces, and without any service; comparing therefore the force now under your Lordship in the Chesapeak, and that of the enemy opposed to you, (and I think it clearly appears they have for the present no intention of sending thither reinforcements) I should have hoped you would have quite sufficient to carry on any operation in Virginia, should that have been advisable at this advanced season.

“ By the intercepted letter inclosed to your Lordship in my last dispatch, you will observe that I am threatened with a siege in this post, my present effective force is only 10,931, with respect to what the enemy may collect for such an object, it is probable they may amount to at least 20,000, besides reinforcements to the French (which from pretty good authority I have reason to expect, and the numerous militia of the five neighbouring provinces; thus circumstanced, I am persuaded your Lordship will be of opinion, that the sooner I can concentrate my force, the better. Therefore, unless (your Lordship, after the receipt of my letters of the 29th of May, and 8th instant, should incline to agree with me in opinion, and judge it right to adopt my ideas respecting the move to Baltimore or the Delawar-Hook, &c.) I beg leave to recommend it to you as soon as you have finished the active operations you may be now engaged in, to take a defensive station in any healthy situation you choose, (be it at Williamsburgh or York-town) and I would wish in that case that after reserving to yourself such troops as you may judge necessary for an ample defensive and desultory movements by water, for the purpose of annoying the enemy’s communications, destroying magazines, &c. &c. the following corps may be sent to me in succession, as you can spare them.

Two battalions of light infantry, forty-third regiment.—Seventy-sixth, or eightyeth.—Two battalions of Anspach, Queen's Rangers, cavalry and infantry.—Remains of detachment of seventeenth light dragons, and such a proportion of artillery as can be spared, particularly men.

“Until the arrival of the expected reinforcements from Europe it will be impossible for me to judge what future operations may be within my power; under my present circumstances, I heartily wish to spare a second army, after leaving a sufficient detestive in this important post: but your Lordship will, I hope, excuse me, if I dissent from your opinion of the manner in which that army should be employed; for experience ought to convince us, that there is no possibility of re-establishing order in any rebellious province on this continent, without the hearty assistance of numerous friends. These, my Lord, are not I think, to be found in Virginia: nor dare I positively assert that under our present circumstances, they are to be found in great numbers, any where else, or that their exertions when found, will answer our expectations.

Extract of a Letter from the Marquis D. La Fayette to General Washington, William, North-side of Job. 18th, 1781.

“DEAR GENERAL,

“Having been directed by General Greene to take the command of the troops in Virginia, I have just received orders from him, that every account from this quarter be immediately transmitted to Congress, and to your Excellency. In obedience to which, I shall have the honour to relate our movements, and those of the combined armies of the enemy.

“When General Phillips returned from Richmond, his project was to stop at Williamsburgh, there to collect contributions which he had imposed: This induced me to take a position between Pamunky and Chickahomany rivers, which equally covered Richmond, and some other interesting parts of the state, and from whence I detached General Nelson with some militia towards Williamsburgh.

“Having got as low down as that place, General Phillips seemed to discover an intention to make a landing, but upon advices received by a vessel from Portsmouth, the enemy was repulsed, and with all the sail they could crowd, hastened up the river. This intelligence made me apprehensive the enemy intended to manœuvre me out of Richmond, where I returned immediately, and re-embarked our small force. Intelligence was the same day received that Lord Cornwallis (who I had been assured to have embarked at Wilmington) was marching through North Carolina; this was confirmed by the landing of General Phillips, at Brandon, south side of James-river. Apprehending that both armies would move to meet at a central point, I marched towards Petersburg, and intended to have established a communication over Appamatock and James-river; but on the 9th General Phillips took possession of Petersburg, a place where his right flank being covered by James river, his front by Appamatock, on which the bridges had been destroyed in the first of the invasion, and his left not being attackable but by a long circuit through fords, that at this season are very uncertain, I could not (even with an equal force) have got any chance of fighting him, unless I had
given

given up this side of James-river, and the country from which reinforcements are expected.

"It being at the enemy's choice to force us to an action, while their own position insured them against our enterprizes, I thought it proper to shift this situation and marched the greater part of our troops to this place, about ten miles below Richmond. Letters from General Nash, General Sumner, and General Jones are positive as to the arrival of Colonel Tarleton, and announce that of Lord Cornwallis at Halifax.

"Having received a request from North Carolina for ammunition, I made a detachment of 500 men under General Mecklenburg, to escort 20,000 cartridges over Appamatox; and to divert the enemy's attention. Colonel Gimart with his battalion and four field pieces cannonaded their position from this side the river. I hope our ammunition will arrive safe, as before General Mecklenburg returned, he put it in a safe road with proper directions.

"On the 13th General Phillips died, and the command devolved on General Arnold.

"General Wayne's detachment has not yet been heard of, before he arrives it becomes very dangerous to risk any engagement where (either of the British armies being vastly superior to us) we shall certainly be beaten, and by the loss of arms, the dispersion of the militia, and the difficulty of a junction with General Wayne, we may lose a less dangerous chance of resistance.

"These considerations have induced me to think, that with our so very great inferiority, and with the advantage the enemy have, by their cavalry and naval superiority, there would be much rashness in fighting them on any but our ground, and this side of the river, and that an engagement, which I fear will be soon necessary, ought if possible be deferred till the Pennsylvanians arrive, whom I have by several letters requested to hasten to our assistance.

"No report has lately come from near Halifax, though a very active officer has been sent for that purpose. But every intelligence confirms that Lord Cornwallis is hourly expected at Peterburgh; it is true there never was such difficulty in getting tolerable intelligence as there is in this country, and the immense superiority of the enemy's horse renders it very precarious to hazard our small parties.

"Arnold has received a small reinforcement from Portsmouth.

"Dear General, your most obedient humble servant,
(Signed) "L A FAYETTE."

P. S. In justice to Major Mitchel and Captain Muir, who were taken at Petersburgh, I have the honour to inform your Excellency, that they had been sent to that place on public service. I have requested General Lauson to collect and take command of the militia south of Appamatox. Local impediments were thrown in the road from Halifax to Peterburgh, and precautions taken to remove the horses from the enemy's reach; should it be possible to get arms, some more militia might be brought into the field, but General Greene and myself labour under the same disadvantage: The few militia we can with great pains collect, arrive unarmed, and we have not a sufficiency of weapons to put into their hands.

and the perseverance with which he pursues his plan, notwithstanding his disaster, do him infinite honour.

"There have been various reports for several days past, that a farther embarkation was taking place at New-York; and some have even gone so far as to suppose a total evacuation of the place was in contemplation. I have an account through a pretty good channel, as late as the 27th instant, in which nothing of the kind is mentioned. There had been some very uncommon movements among the troops upon Long-Island, which may have given rise to the conjectures I have spoken of. My informant says that Pensacola is taken, and that General Robertson goes to Virginia to succeed General Phillips."

"I have the honour to be, &c.

(Signed) "GEO. WASHINGTON."

Copy of an intercepted Letter from General Washington, to Mr. Lund Washington, dated New-Windsor, 31st May, 1781.

"DEAR LUND,

"I returned last Saturday from a conference with the Count de Rochambeau, at Weathersfield, on Connecticut-river, and found your letter of the 9th instant; and the last post brought me another of the 16th.

"We have heard nothing yet of the detachment, consisting of about 2000 men, which left New-York the 13th instant; nor do we know whether those troops were bound for Virginia, North or South Carolina, or elsewhere. A report prevails, and is believed by some, that the enemy are about to quit New-York altogether; but I shall withhold my opinion of the matter yet a little longer. If such an event should take place, it will be an evidence in my mind, that they expect matters are drawing to a conclusion, and that they have a mind to get as fast hold on the southern states as possible.

"I have already given you my opinion, in some late letters, with respect to my moveable property, after removing the most valuable, and least bulky articles, the rest, with the buildings, must take their chance. I am prepared for the worst that can happen to them; to hear, therefore, of their being plundered or burnt, will be no surprize to me. In case a body of troops should come into that part of the country, (belonging to the enemy) public as well as private considerations require that horses and stock of all kind should be driven out of their reach.

"I am, dear Lund, your affectionate servant,

(Signed) "GEO. WASHINGTON."

General Washington to John Parke Custis, Esq. at Abingdon, Virginia, 31st May, 1781.

"DEAR CUSTIS,

"On Saturday last I returned from a conference held with the Count de Rochambeau, at Weathersfield, and found Mrs. Washington very unwell, as she had been for five or six days preceding, and still continues.

"We have not yet heard what is become of the detachment that left New-York the 13th instant, and do not know whether it was destined for
Virginia

Virginia, Cape Fear, or else here. It is now strongly reported, and believed by numbers, that the enemy are about a total evacuation of New-York, but I shall suspend my opinion of the matter, till there is clearer evidence of it.

"The States, this way, are miserably slow in sending in their recruits for the army, and our supplies come in equally tardily: Whether the season and the prospect before them will produce any change, I am unable to say. And am, with much truth,

"Yours, &c.

(Signed)

"GEO. WASHINGTON."

Copy of an intercepted Letter from General Washington to the Marquis De la Fayette, dated Head-Quarters, New-Windsor, 31st May, 1781.

"MY DEAR MARQUIS,

"I have received your favours of the 4th, 8th, 17th, and 18th instants. Your conduct, upon every occasion, meets my approbation, but in none more so than your refusal to hold a correspondence with Arnold. By an account which I have received from New-York, General Robinson goes to succeed General Phillips. You may have something to apprehend from his age and experience, but not much from his activity.

"In a letter which I writ to Baron Steuben, on the 16th instant, I desired him to inform you, as I did not know at that time where you might be, that I had good reason to believe a detachment of between 1500 or 2000 men had sailed from New York a few days before. I now have it confirmed, and I think you may either look for them in Chesapeake, or farther southward.

"Your determination to avoid an engagement with your present force, is certainly judicious. I hope the Pennsylvanians have began their march before this, but I have no information of it. General Wayne has been pressed both by Congress and the Board of War, to make as much expedition as possible; and extraordinary powers are given him to enable him to procure provisions.

"Upon your information that Colonel Vose wished to return to the northward, I ordered Colonel Tupper to relieve him, and he had sat out before your letter of the 4th reached me.

"I am, &c.

(Signed)

"GEO. WASHINGTON."

Copy of an intercepted Letter from General Washington to the Marquis De la Fayette, dated New-Windsor, 31st May, 1781.—[Private.]

"MY DEAR MARQUIS,

"I have just returned from Weathersfield, at which I expected to have met the Count de Rochambeau and Count de Barras; but the British fleet having made its appearance off Block-Island, the Admiral did not think it prudent to leave Newport. Count Rochambeau was only attended by Chevalier Chattellux. Generals Knox and Duportail were with me.

"Upon a full consideration of our affairs in every point of view, an attempt upon New-York, with its present garrison, (which by estimation,

tion, is reduced to 4500 regular troops, and about 3000 irregulars) was deemed preferable to a southern operation, as we had not the command of the water. The reasons which induced this determination, were the danger to be apprehended from the approaching heats, the inevitable dissipation and loss of men by so long a march, and the difficulty of transportation; but above all, it was thought we had a tolerable prospect of expelling the enemy, or obliging them to withdraw part of their force from the southward, which last would give the most effectual relief to those states. The French troops are to march this way as soon as certain circumstances will admit, leaving about 200 men at Providence, with the heavy stores and 500 militia, upon Rhode-Island, to secure the works.

"I am endeavouring to prevail upon the states to fill up their battalions for the campaign, if they cannot do it upon better terms, and to send in ample and regular supplies of provision: Thus, you perceive, it will be some time before our plan can be ripe for execution, and that a failure on our part in men and supplies may defeat it, but I am in hopes that the states in this quarter will exert themselves to attain what has long been a favourite, and is an important object to them.

"We have rumours, but I cannot say they are well founded; that the enemy are about to quit New-York altogether; should they do this, we must follow them of necessity, as they can have no other view than endeavouring to seize and secure the southern states, if not, to hold them finally, to make them the means of an advantageous negotiation of peace.

"I take it for granted, that your last dispatches inform you fully of European affairs, and that you can judge from them of the probability of such an event as I have mentioned taking place. As you have no cypher by which I can write to you in safety, and my letters have been frequently intercepted or late, I restrain myself from mentioning many matters I wish to communicate to you.

"I shall advise you every now and then of the progress of our preparations. It would be unnecessary for you to be here at present, and I am sure you would not wish to leave your charge, while you are so near an enemy, or until you could deliver them up to General Greene, or to another officer capable of exercising the command which you are in. You will always remember, my dear Marquis, that your return to this army depends upon your own choice, and that I am, with every sentiment of esteem, regard, and affection,

"Your most obedient, &c.

"GEO. WASHINGTON,

"P. S. My public letter contains an answer to your several favours.

"We have just heard from New-York that General Robinson is going to supply the place of Phillips."

Copy of an intercepted Letter from Monsieur de Barras, Commander of the French Squadron, to the Chevalier de la Lucerne, at Philadelphia, dated Newport, 27th May, 1781.

"Je viens de recevoir Monsieur la Lettre, que vous m'avez fait l'honneur de m'ecrire en date du 20th May, ainsi que le memoire qui y ete joint, par ma lettre du 19, ie vous ay mandé le parti que j'avois pris ce qui m'empechoit

Pechoit d'aller a la conference quil y a eu du General Washington avec Monsieur de Rochambeau ce dernier m'a prevenu qu'il vous faisoit part de ce qui y a etc'decide. J'avois repondu a deux propositions que a M. Rochambeau avoit preveu que le General Americain feroit, et il paroît qu'il les a approuvées. Je desirerois pouvoir suivre pour les operations, le memoire que vous m'avez envoyè, vous verrez parce que vous mande Mr. de Rochambeau mes reponses, ainsi, que mes observations, je de fire, quelles aient votre approbation. L'Escadre Angloise n'a pas paru depuis le 23.

“ Comme il est decide que l'Escadre va a Boston Je me pressera de m'y rendre pour ne pas retarder le depart des troupes qu'on est obligè de me fournir au nombre 900 homme, pour completer les equipages, vous imaginez bien que ces troupes renvoyez l'Escadre est en partie desarmee. Je n'ecris pas a Mr. de la Touche, il est encore a la Delaware ainsi que l'ariel et que vous le desfiniez pour la partie du nord dont ils ont besoin de naviguer avec la plus grande precaution, et de venir a Boston.

“ Je suis, &c.

“ BARRAS,

“ P. S. A mon arrivee a Boston J'expediera la concorde pour porter les paquets et l'etal de la Virginie, au Comte de Grasse.”

Extract of a Letter from Earl Cornwallis to Sir Henry Clinton, dated Williamsburgh, 30th June, 1781.

“ The morning after my arrival here, I was honoured with your Excellency's dispatches of the 11th and 15th instant, delivered by Ensign Amiel. By them I find that you think if any offensive army could be spared, it would not be adviseable to employ it in this province. It is natural for every officer to turn his thoughts particularly to the part of the war in which he has been most employed; and as the security, at least, of South Carolina, if not the reduction of North Carolina, seemed to be generally expected from me, both in this country and in England, I thought myself called upon, after the experiment I had made had failed, to point out the only mode, in my opinion, of effecting it, and to declare, that until Virginia was to a degree subjected, we could not reduce North Carolina, or have any certainty of the back country of South Carolina, the want of navigation rendering it impossible to maintain a sufficient army in either of these provinces, at a considerable distance from the coast, and the men and riches of Virginia furnishing ample supplies to the Rebel southern army. I will not say much in praise of the militia of the southern colonies, but the list of the British officers and soldiers, killed and wounded by them since last June, proves but too fatally that they are not wholly contemptible.

“ Your Excellency being charged with the weight of the whole American war, your opinions of course are less partial, and are directed to all its part; to those opinions it is my duty implicitly to submit.

“ Being in the place of General Phillips, I thought myself called upon by you to give my opinion with all deference; however, my opinion is at present of no great importance, as it appears from your Excellency's dispatches, that in the execution of these ideas, a co-operation was intended on your side, which now could not be depended upon, from the uncertainty

tainty of the permanency of our naval superiority, and your apprehensions of an intended serious attempt upon New-York. I have, therefore, lost no time in taking measures for complying with the requisition contained in your dispatch of the 15th instant.

" Upon viewing York, I was clearly of opinion, that it far exceeds our power, consistent with your plans, to make safe defensive posts there and at Gloucester, both of which would be necessary for the protection of shipping. The state of the transports has not yet been reported to me, but I have ordered the few that are at Portsmouth to be got ready; and as soon as I have passed James-river, (for which purpose the boats are collecting) and can get a convoy, they shall be dispatched with as many troops as they will contain, and shall be followed by others as fast as you send transports to receive them. When I see Portsmouth, I shall give my opinion of the number of men necessary for its defence, or of any other post that may be thought more proper. But as magazines, &c. may be destroyed by occasional expeditions from New-York, and there is little chance of being able to establish a port capable of giving effectual protection to ships of war, I submit it to your Excellency's consideration, whether it is worth while to hold a sickly defensive post in this bay, which will always be exposed to a sudden French attack; and which experience has now shewn, makes no diversion in favour of the southern army.

" Tarleton was lucky enough to intercept an express, with letters from Greene and La Fayette, of which the inclosed are copies. By them you will see General Greene's intention of coming to the northward; and that part of the reinforcement destined for this army was stopped in consequence of my arrival here. As soon as it is evident that our plan is nearly defensive here, there can be little doubt of his returning to the southward, and of the reinforcements proceeding to join his army. I still continue in the most painful anxiety, for the situation of South Carolina. Your Excellency will have received accounts of Lord Rawdon's proceedings, previous to his arrival at Monk's Corner, and of his intended operations. My last account from him is in a note to Lieutenant Colonel Balfour, dated the 9th instant, at Four Hole Bridge, and he was then in great hopes of being in time to save Cruger. I have ordered Colonel Gould to proceed as soon as a convoy could be procured, with the 19th and 30th regiments to New-York, leaving the 3d regiment and flank companies in South Carolina, till your pleasure be known. I named the flank companies, because they might be distant at the time of the arrival of the order; and as a corps capable of exertion is much wanted on that service, your Excellency well knows my opinion of a defensive war on the frontiers of South Carolina. From the state of Lord Rawdon's health, it is impossible that he can remain, for which reason although the command in that quarter can only be attended with mortification and disappointment, yet, as I came to America with no other view than to endeavour to be useful to my country, and as I do not think it possible to render any service in a defensive situation here, I am willing to repair to Charles-town if you approve of it; and in the mean time I shall do every thing in my power to arrange matters here, till I have your answer. La Fayette's Continentals, I believe, consist of about 17 or 1800 men, exclusive of some twelve-months men collected by Steuben. He has received considerable reinforcements of militia,

and about 800 mountain rifle men under Campbell. He keeps, with his body, about 18 or 20 miles from us, his advanced corps about 10 or 12, probably with an intention of insulting our rear-guard, when we pass James-river. I hope, however, to put that out of his power by crossing at James City-island, and if I can get a favourable opportunity of striking a blow at him, without loss of time, I will certainly try it. I will likewise attempt water expeditions, if objects present themselves after my arrival at Portsmouth. I feel most sincerely for the sufferings of the unfortunate Loyalists, but being of opinion that a detachment would not afford them substantial and permanent relief, I shall not venture such a step unless your Excellency should think proper to direct it."

Copy of a Letter, written from Sir Henry Clinton, K. B. to Earl Cornwallis, dated Head-Quarters, New-York, July 11th, 1781.

"MY LORD,

"I have received your Lordship's letter of the 30th of June, and the Admiral has dispatched a frigate with his and my opinions in answer to it. I cannot be more explicit by this opportunity, than to desire, that if you have not already passed the James-river, you will continue on the Williamsburgh Neck, until she arrives with my dispatches by Captain Stapleton. If you have passed it, and find it expedient to recover that station, you will do it, and keep possession of it until you hear farther from me. Whatever troops may have been embarked by you for this place, are likewise to remain until farther orders; and if they should have been sailed, and within your call, you will be pleased to stop them. It is the Admiral's and my wish, at all events, to hold Old Point Comfort, which secures Hampton-Road.

(Signed) "H. CLINTON."

Extract of a Letter from Sir Henry Clinton, K. B. to Earl Cornwallis, dated Head Quarters, New-York, 8th July, 1781.

"By your Lordship's answer to my letters of the 11th and 15th ultimo, (which are the only ones you acknowledge the receipt of, and in which I made requisition for some of the corps serving in the Chesapeake, if you could spare them, I am to understand that your Lordship does not think that with the remainder (which would have amounted to at least 4000, supposing even that you sent me 3000) you could maintain the post I had proposed to be occupied at York-town, &c. so necessary in every respect to cover our fleet, and give us entire command over the entrance of that bay, I therefore think proper to mention to your Lordship, that whatever my ideas have been of the force sufficient to maintain that station and the corresponding one on the Gloucester side, your Lordship was left the sole judge of that sufficiency to the whole amount of the corps under your immediate orders in Virginia, nor did I mean to draw a single man from you, until you had provided for a respectable defensive, and detained a small corps for desultory water expeditions, for my requisition was made after the receipt of your Lordship's letter of the 26th of May, from which I apprehended that you had no immediate operation of your own to propose, and did not think it expedient to

adopt the one I had recommended to General Phillips, but I confess I could not conceive you would require above 4000, in a station wherein General Arnold had represented to me (upon report of Colonel Simcoe) that 2000 men would be amply sufficient, and being strongly impressed with the necessity of our holding a naval station for large ships as well as small, and judging that York-town was of importance for securing such a one, I cannot but be concerned that your Lordship should so suddenly lose sight of it, pass James-river, and retire with your army to the sickly post at Portsmouth, where your horses will I fear be starved, and a hundred other inconveniences will attend you; and this, my Lord, as you are pleased to say, because you were of opinion that it exceeded your power consistent with my plans, to make safe defensive posts there, and at Gloucester. My plans, my Lord, were to draw from Chesapeak, as well for the sake of their health, as for a necessary defensive in this important post, such troops as your Lordship could spare from a respectable defensive of York, Gloucester, or such other station, as was proper to cover line of battle ships, and all the other services I had recommended; but I could not possibly mean that your Lordship should for this, give up the hold of a station so important for the purposes I designed, and which I think La Fayette will immediately seize and fortify, the moment he hears you have repassed James-river, for though I am to suppose the enemy will be as little able to defend it with 5000 men as your Lordship judges yourself to be, and of course may for the same reason be dispossessed, I should be sorry to begin with a siege the operations I am determined to carry on in the Chesapeak, whenever the season will admit of them. I will therefore consult Rear Admiral Graves on this subject, and let your Lordship have our joint opinion in consequence.

With regard to Portsmouth, your Lordship will have seen by my former letters, and the papers in your possession, that when I sent General Leslie to the Chesapeak, I only wished for a station to cover our cruising frigates, and other small ships.

That general officer thought proper to make choice of Portsmouth, and had I doubt not, good reasons for so doing. But it has ever been my opinion that if a better could be found, especially for covering line-of-battle ships, it ought to have the preference, and I think if Old Point Comfort will secure Hampton Road, that is the station we ought to choose, for if Elizabeth-river is, at all kept, a small post for about 300 men at Mill Point, would in my opinion answer. But as to quitting the Chesapeak entirely, I cannot entertain a thought of such a measure, but shall most probably, on the contrary, send there, as soon as the season returns for acting in that climate, all the troops which can possibly be spared from the different posts under my command. I therefore flatter myself, that even although your Lordship may have quitted York, and detached troops to me, that you will have a sufficiency to re-occupy it, or that you will at least hold Old Point Comfort, if it is possible to do it without York.

I find by the intercepted letters you sent me, that La Fayette's Continentals, when joined by Steuben and Wayne, do not altogether exceed 1800, and that even if he could collect a numerous militia, he had but few arms to put into their hands, and those your Lordship I see has effectually destroyed. It likewise appears that although Greene may himself come to the northward,

ward, his corps is to remain in South Carolina;—I therefore suppose your Lordship has recollected this, when you sent orders to Brigadier-General Gould to bring the 19th and 30th regiments to this place, especially as you tell me, you still continue in the most painful anxiety for the situation of that province.

I am sorry Lord Rawdon's health should oblige him to return to Europe, I think it is highly proper that either your Lordship, General Leslie, or General O'Hara, should go to Charles-town, but I can by no means consent to your Lordship's going thither, before you hear farther from me, for very essential reasons, which I shall not now trouble your Lordship with.

I was very unhappy to hear of the unfortunate move of our friends, and its consequences; but as it is probable they have no arms to defend themselves, I should imagine, that if a station could be found in their neighbourhood which was safe and tenable, and arms could be given them, it might be means of saving many of them. Your Lordship will however, as being upon the spot, be the best judge how far this may be proper or practicable, for as I know nothing of the district where this is supposed to have happened, or what their numbers are, I cannot say how far it may be expedient to give them assistance. Your Lordship has I believe, many spare arms in Chesapeake, and there are likewise a considerable number at Charles-town; but if any should be wanted from hence, I will spare as many as I can.

Copy of a Letter from Sir Henry Clinton to Earl Cornwallis, dated New-York, July 11th, 1781.

“ MY LORD,

“ I am just returned from having a conference with Rear Admiral Graves, in consequence of your Lordship's letter of the 30th ultimo, and we are both clearly of opinion, that it is absolutely necessary we should hold a station in Chesapeake, for ships of the line as well as frigates. And the Admiral seems to think, that should the enemy possess themselves of Old Point Comfort, Elizabeth-river could no longer be of any use to us as a station for the frigates, therefore judges that Hampton-road is the safest station for all ships; in which your Lordship will see by the papers in your possession, I likewise agree with him. It was moreover, my opinion, that the possession of York-town, even though we did not possess Gloucester, might give security to the works we might have at Old Point Comfort, which I understand secures Hampton-road.

I had flattered myself that after giving me as nearly 3000 men as you could spare, your Lordship might have had a sufficiency not only to maintain them, but to spare for desultory expeditions: for I had no other plans in view than to draw, for the defence of this post and operation in its neighbourhood, such troops as could be spared from your army, after leaving an ample defensive to such stations as your Lordship might judge proper to occupy, and a small moving corps for desultory water expeditions during the summer months, in which no other might be proper in that unhealthy climate. But as your Lordship seems to think that you can, in no degree, comply with my requisition for troops; and at the same time establish a post capable of giving protection to ships of war, and it is probable from what you write me, that you may have repassed James-river and retired to Portsmouth,

mouth, I beg leave to request that you will, without loss of time, examine Old Point Comfort, and fortify it, detaining such troops as you may think necessary for that purpose, and garrisoning it afterwards. But if it should be your Lordship's opinion, that Old Point Comfort cannot be held without having possession of York, for in this case Gloucester may perhaps be not so material, and that the whole cannot be done with less than 7000 men, you are at full liberty to detain all the troops now in Chesapeake, which I believe amount to somewhat more than that number, which very liberal concession will, I am persuaded, convince your Lordship of the high estimation in which I hold a naval station in Chesapeake, especially when you consider that my whole force in this very extensive and important post, is not quite 11,000 effectives; and how far I may be justified in leaving it to so reduced a garrison, time will shew.

"I am as much mortified as your Lordship can possibly be, at the necessity there is at present for leaving you upon the defensive in the Chesapeake; and your Lordship will do me the justice to observe, that I have for some months been myself content with a starved defensive, from the desire I had to give your Lordship as large an army for offensive operations as I could. Therefore until the season for re-commencing operation in the Chesapeake shall return, your Lordship, or who ever remains in the command there, must, I fear, be content with a strict defensive. And I must desire that you will be pleased to consider this as a positive requisition to you, not to detain a greater proportion of the troops now with you than what may be absolutely necessary for defensive operations, &c. as before mentioned; when therefore your Lordship has finally determined upon the force you think sufficient for such works as you erect at Point Comfort, and the number you shall judge requisite to cover them at York-town, and for the other services of the Chesapeake, during the unhealthy season, you will be pleased to send me the remainder. Your Lordship will observe by this, that I do not see any great necessity for holding Portsmouth, while you have Old Point Comfort: for should a station on Elizabeth-river be judged necessary, I think Mill Point will answer every necessary purpose of covering frigates, &c.

"I have the honour to be, &c.

(Signed) "H. CLINTON."

Copy of a Letter from Sir Henry Clinton to the Officer commanding the Troops embarked from the Chesapeake, New-York, 11th July 1781.

"SIR,

"You will be pleased wherever this letter may meet you, to return to the Chesapeake, with the troops under your command, and wait there for farther orders from Earl Cornwallis, which will be given you in consequence of instructions I have sent his Lordship by Captain Stapleton.

"I am, &c."

(Signed) H. CLINTON."

Extracts from the correspondence between Sir H. Clinton and Earl Cornwallis, on the Subject of Operations in the Chesapeake, not transmitted in any former Dispatch.

Extract, from Sir Henry Clinton to Earl Cornwallis, dated New-York, Nov. 6, 1781.

“By the copy of instructions last sent, and those now forwarded to General Leslie, your Lordship will perceive I mean that you should take the command of the whole. If my wishes are fulfilled, they are that you may establish a post at Hillsborough, feed it from Cross-creek, and be able to keep that of Portsmouth, a few troops will do it, and carry on desultory expeditions in the Chesapeake till more solid operations can take place, of which, I fear, there is no prospect without we are considerably reinforced. The moment I know your Lordships determination to keep a post at Portsmouth, I will, as I said before, consider what additional force I can spare. Once assured of our remaining superior at sea, I might possibly send 2000 more for this winter's operation. Respecting operations in the Chesapeake they are but of two sorts. Solid operations with a fighting army, to call forth our friends and support them, or a post such as at Portsmouth, carrying on desultory expeditions. Stopping up in a great measure the Chesapeake, and by commanding James-river, prevent the enemy from forming any considerable depôts upon it, or moving in any force to the southward of it. Such, my Lord, are the advantages I expect from the station at Portsmouth, and I wish it may appear to you in the same light. You may in that case probably take up for this winter at least, your head quarters there. As I have often said, except as a visitor, I shall not move to the Chesapeake without Washington goes there in great force, which he does not seem inclined to do, nor indeed to send a single man there except Greene to command.”

Extract of a Letter from Earl Cornwallis to Sir Henry Clinton, dated Camp before Wilmington 10th April, 1781.

[Received the 22d April.]

“I am very anxious to receive your Excellency's commands, being as yet totally in the dark as to the intended operations of the summer. I cannot help expressing my wishes that the Chesapeake may become the seat of war, even (if necessary) at the expence of abandoning New-York. Until Virginia is in a manner subdued, our hold of the Carolinas must be difficult, if not precarious. The rivers in Virginia are advantageous to an invading army, but North Carolina is of all the provinces in America the most difficult to attack (unless material assistance could be got from the inhabitants, the contrary of which I have sufficiently experienced) on account of its great extent, of the numberless rivers and creeks, and the total want of interior navigation.”

Copy of a Letter from Sir Henry Clinton to Earl Cornwallis, dated New-York, June 15th, 1781.

“MY LORD,

“As the Admiral has thought proper to stop the sailing of the convoy with stores, horse, accoutrements, &c. (which has been for some days ready to sail for the Chesapeake) without assigning to me any reason for so doing, I delay not a moment

moment to dispatch a runner to your Lordship with a duplicate of my letter of the 11th instant, which was to go by that opportunity.

"And as I am led to suppose from your Lordship's letter of the 26th ultimo, that you may not think it expedient to adopt the operations I had recommended in the upper Chesapeake, and will by this time, probably have finished those you were engaged in; I request you will immediately embark a part of the troops stated in the letter inclosed, beginning with the light infantry, and send them to me with all possible dispatch; for which purpose. Captain Hudson, or officer commanding the King's ships, will, I presume, upon your Lordship's application, appoint a proper convoy. I shall likewise in proper time, solicit the Admiral to send some more transports to the Chesapeake, in which your Lordship will please to send hither the remaining troops you judge can be spared from the defence of the posts you may occupy, as I do not think it advisable to leave more troops in that unhealthy climate at this season of the year, than what are absolutely wanted for a defensive, and desultory water expeditions."

Extract of a Letter from Sir Henry Clinton to Earl Cornwallis, dated New-York June 19th, 1781.

"I have often given it as my opinion to your Lordship, that for such an object as this, they could certainly raise numbers; but I very much doubt their being able to feed them. I am however persuaded, they will attempt the invetiture of the place. I therefore heartily wish I was more in force, that I might be able to take advantage of any false movements they may make in forming it. Should your Lordship have any solid operation in the Chesapeake to propose, or have approved of the one I mentioned in my former letters, I shall not, as I have already told you, press you for the corps I wished to have sent me, at least for the present. But, if in the approaching inclement season, your Lordship should not think it prudent to undertake operation with the troops you have, and you may easily conceive, I cannot possibly spare more, I cannot but wish for their sake, if I had no other motive, that you would send me as soon as possible, what you can spare from a respectable defensive; and that your Lordship may better judge what I mean by a respectable defensive, it is necessary to inform you, that other intelligence, besides Monsieur Barras' letter, makes it highly probable that Monsieur Le Grasse will visit this coast in the hurricane season, and bring with him troops as well as ships. But when he hears that your Lordship has taken possession of York-river before him, I think it most likely he will come to Rhode-island, and in that case that their first efforts will be in this quarter. I am however under no great apprehensions, as Sir George Rodney seems to have the same suspicions of Le Grasse's intention that we have, and will of course follow him hither. For I think our situation cannot become very critical unless the enemy, by having command of the sound, should possess themselves of Long-island, which can never be the case whilst we are superior at sea.

"In the hope that your Lordship will be able to spare me 3000 men, I have sent 2000 tons of transports from hence, and what is wanting may be made up from those in the Chesapeake. The corps I named in my letter of the 11th instant, will, I imagine, amount to nearly that number. But should your
Lordship

Lordship not be able to spare the whole, it is necessary to mention I expect the detachment of the 17th dragoons, as they happen to be placed last in the list.

"I have at last had a personal conference with the Vice-Admiral, and he has agreed, if he does not intercept the French fleet, to take his station between the Nantucket shoals and Delaware, where his Fleet is to cruize for the protection of this harbour and *our communication with the Chesapeake.*

Copy of a Letter from Sir Henry Clinton to Earl Cornwallis, dated New-York, June 26th, 1781.
[Sent 28th June.]

"MY LORD,

"Having for very essential reasons come to a resolution of endeavouring to bring the troops employed on that service to reinforce this post; I am to request that if your Lordship has not already embarked the reinforcement I called for in my letters of the 8th, 11th, 15th and 19th instant, and should not be engaged in some very important move either of your own, or in consequence of my ideas respecting operation in the upper Chesapeake, you will be pleased as soon as possible to order an embarkation of the troops specified in the margin, * and of the ordnance and other stores, &c. &c. stated in the inclosed paper, or in as full a manner as your Lordship can with propriety comply, recollecting that whatever may have been taken too great a proportion of, will be immediately returned to you the moment the expedition is over.

"As it is possible that your Lordship may have sent Major-General Leslie to Charles-town in consequence of what I said to you in my letter of the 29th ultimo, I have thought proper to appoint Lieutenant-General Robertson to the command of the troops on this service, which I should not have judged necessary, could I have been certain of his being named by your Lordship to accompany the troops coming hither; should that however have been the case, your Lordship will be pleased nevertheless to direct him to proceed with the expedition.

Copy of a Letter from Sir Henry Clinton to Earl Cornwallis, dated New-York, July 1st, 1781.

"MY LORD,

"For reasons which I think unnecessary to mention to you by this opportunity, I request that whatever troops, &c. your Lordship may have embarked for this place, may sail forty eight hours after the departure from the Chesapeake, of the frigate which carries this letter and which has orders to return whenever your Lordship signifies to the Captain of her, that the troops, &c. are all on board, and ready to proceed on the intended service."

Copy of a Letter from Sir Henry Clinton to Major-General Leslie, dated New-York, July 1st, 1781.

"SIR,

"Whenever the troops which Lord Cornwallis shall have embarked under your orders are ready to sail, it is the Admiral's and my wish, that the frigate which carries this letter should return to us, and that forty eight hours after

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* Two battalions of light infantry, 43d regiment, 76th or 80th. Two battalions of Anspach; 2 Rangers, cavalry and infantry. Detachment of the 17th dragoons, and such a proportion of artillery as can be spared, particularly men.

she leaves the Chesapeake, you will, if possible, put to sea, when you will receive farther orders.

“ P. S. If this meets you at sea you will of course proceed as above-mentioned, waiting for the Admiral.”

Copy of a Letter from Sir Henry Clinton to Major General Leslie, or Officer commanding the Expedition from Chesapeake at Sea. Dated Head Quarters, New York, 23d July, 1781.

“ S I R,

“ Should the Solebay frigate have arrived in the Chesapeake before you sail from thence, and Lord Cornwallis have received from Captain Stapleton my letter of the 11th instant, sent by that opportunity; and should his Lordship notwithstanding have thought proper to direct you to proceed according to your original destination, you will be pleased in that case to come with the troops under your command to Sandy-Hook, and coming to an anchor within the Hook, there wait my farther orders. But if the Solebay had not arrived in Chesapeake, and Lord Cornwallis had not received the letter I sent by her before your departure, you will be pleased upon the receipt of this immediately to return to Portsmouth, and follow such farther directions as you may receive from his Lordship.

“ As corresponding directions with those will be sent to Captain Hudson, or officer commanding the King's ships that compose your convoy, by Commodore Aspleck, who commands his Majesty's ships at New-York in the absence of Rear-admiral Greaves, you will of course receive every assistance you want from him in carrying these orders into execution.

“ I have the honour, &c.”

(Signed)

“ H. CLINTON.”

Extract of a Letter from Earl Cornwallis to Sir Henry Clinton, dated Williamsburgh, 30th June, 1781.

“ After passing James-river at Westover, I moved to Hanover court-house, and crossed the South Anna. The Marquis De La Fayette marched to his left, keeping above me at the distance of about 20 miles. By pushing my light troops over the North Anna, I alarmed the enemy for Fredericksburgh, and for the junction with General Wayne, who was then marching through Maryland. From what I could learn of the present state of Hunter's iron manufactory, it did not appear of so much importance as the stores on the other side of the country, and it was impossible to prevent the junction between the Marquis and Wayne, I therefore took the advantage of the Marquis's passing the Rappahanock, and detached Lieutenant-colonels Simcoe and Tarleton to disturb the assembly then sitting at Charlottesville, and to destroy the stores there, at Old Albemarle court-house, and in the Point of Fork; moving with the infantry to the mouth of Bird-creek, near the Point of Fork, to receive these detachments. Lieutenant-colonel Tarleton took some members of the assembly at Charlottesville, and destroyed there and on his return 1000 stand of good arms, some clothing and other stores, and between four and five hundred barrels of powder, without opposition. Baron Steuben,

Steuben, who commanded about 800 twelve-months men of militia, retired with great precipitation from the Point of Fork; Lieutenant-colonel Simcoe, after using every exertion to attack his rear-guard, destroyed there and at places adjacent, about 3300 stand of arms, most of which unserviceable, but then under repair, some salt, harness, &c. and about 150 barrels of powder.

"I then moved by Richmond, and arrived at Williamsburgh on the 25th instant, having in addition to the articles already mentioned destroyed on this expedition at different places above 2000 hogsheds of tobacco, and a great number of iron guns, and brought off 4 brass thirteen-inch mortars, 5 brass eight-inch howitzers, and 4 long brass nine-pounders, all French. We found near Hanover court-house 10 French brass twenty-four pounders, which we could not carry, and had not time or means to destroy farther than by spiking and throwing five or six of them into the Pamunky; and we found at Williamsburgh a considerable quantity of shot and shells, which are embarked. General Wayne joined the Marquis about the middle of the month, as did Baron Steuben soon after; and their army has generally kept about 20 miles from us, without any material attempt by detachment, except in an attack on Lieutenant-colonel Simcoe, on the 26th, as he was returning with his corps and the yagers from the destruction of some boats and stores on the Chickhomony: the enemy, though much superior in numbers, were repulsed with considerable loss; 3 officers and 28 privates were made prisoners. The rangers had 3 officers and 30 privates killed and wounded. Lieutenant Jones, who was killed, behaved with great spirit, and is much lamented by Lieutenant-colonel Simcoe.

"Major Craig represented so strongly to Lord Rawdon his regret at leaving the distressed Loyalists in the neighbourhood of Wilmington, and his hopes of a considerable insurrection in the lower parts of North Carolina, where the enemy have no force, that his Lordship gave him a conditional permission to postpone the evacuation at Wilmington, but I have not yet learned whether he has availed himself of it."

Extract of a Letter from Earl Cornwallis to Sir Henry Clinton, dated Cobham, July 8, 1781.

"I was honoured this morning with your dispatch of the 28th ult. The troops are perfectly ready, and will proceed to Portsmouth to wait the arrival of the transports. I will give immediate orders about the artillery, stores, &c.

"The transports now at Portsmouth are sufficient to carry the light infantry. I had prepared them to receive that corps, and should have sent them to you in a few days if your last orders had not arrived. I take for granted that General Robertson will come with the transports to take the command of the expedition. General Leslie is still here: but as it was not my intention to have sent him with the troops to New-York, and as he will be the properest person to command, in case you should approve of my returning to Charlestown, I shall not send him on the expedition, unless it shall then appear to be your Excellency's desire that he should accompany General Robertson.

"I must again take the liberty of calling your Excellency's serious attention to the question of the utility of a defensive post in this country, which

cannot have the smallest influence on the war in Carolina, and which can only give us some acres of an unhealthy swamp, and is for ever liable to become a prey to a foreign enemy with a temporary superiority at sea. Desultory expeditions in the Chesapeak may be undertaken from New-York with as much ease and more safety, whenever there is reason to suppose that our naval force is likely to be superior for two or three months.

“ The boats and naval assistance having been sent me by Captain Hudson, I marched on the 4th from Williamsburgh to a camp which covered a ford into the island of James-town. The Queen’s rangers passed the river that evening. On the 5th I sent over all the wheel carriages, and on the 6th, the bat-horses and baggage of every kind, intending to pass with the army on the 7th. About noon on the 6th, information was brought to me of the approach of the enemy, and about four in the afternoon a large body attacked our out-posts. Concluding that the enemy would not bring a considerable force within our reach, unless they supposed that nothing was left but a rear-guard, I took every means to convince them of my weakness, and suffered my picquets to be insulted and driven back; nothing, however, appeared near us but rifle-men and militia till near sun-set, when a body of continentals with artillery began to form in the front of our camp. I then put the troops under arms, and ordered the army to advance in two lines. The attack was begun by the first line with great spirit, there being nothing but militia opposed to the light-infantry. The action was soon over on the right; but Lieutenant-colonel Dundas’s brigade, consisting of the 43d, 76th, and 80th regiments, which formed the left wing, meeting the Pennsylvania line, and a detachment of the Marquis De la Fayette’s continentals, with two six-pounders, a smart action ensued for some minutes, when the enemy gave way and abandoned their cannon. The cavalry were perfectly ready to pursue, but the darkness of the evening prevented my being able to make use of them. I cannot sufficiently commend the spirit and good behaviour of the officers and soldiers of the whole army; but the 76th and 80th regiments, on whom the brunt of the action fell, had an opportunity of distinguishing themselves particularly, and Lieutenant-colonel Dundas’s conduct and gallantry deserve the highest praise. The force of the enemy in the field was about 2000, and their loss, I believe, between two and three hundred. Half an hour more of day-light would probably have given us the greatest part of the corps. I have enclosed a list of our killed and wounded. We finished our passage yesterday, which has been an operation of great labour and difficulty, as the river is three miles wide at this place. I have great obligations to Captain Aplin, and the officers of the navy and seamen, for their great exertions and attention on this occasion. I have not received the letters your Excellency alludes to of the 29th of May, or 18th and 19th of June.”

*Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated Suffolk,
12th July, 1781.*

“ SIR,

“ I acknowledged in my letter of the 8th the receipt of your Excellency’s dispatch of the 28th June. I have since been honoured with that of the 1st instant

instant by the Orpheus, and of duplicates of those of the 29th May, 8th and 19th June, by the Charon, the originals of which have miscarried.

"I have only now to inform your Excellency, that every exertion shall be made to fit out the expedition in the completest manner without loss of time; and as by your letter to General Leslie you seem to wish that he should accompany it, I have sent him directions for that purpose.

"I have the honour to be, &c.

(Signed)

"CORNWALLIS."

Extract of a Letter from Earl Cornwallis to Sir Henry Clinton, dated Suffolk, 17th July, 1781.

"I am glad to hear from Portsmouth that the expedition is almost ready to sail; and having given General Leslie full powers as to the equipment of it, I hope it will be to your satisfaction. I have detained six infantry boats and four horse boats for the service here, and have directed all the others to go if they can be carried. The 23d light company has done duty for some time past with the legion, which is not returned from an excursion to the upper part of the country; I have therefore, in place of the 23d, sent the light company of the 80th. The enemy's army have come so low down the country, and we having by the destruction of their craft rendered it difficult for them to pass James-river below Tucker's, and the militia of the upper counties of this side of the river being with them, I thought it a good opportunity to endeavour to destroy the magazines between James-river and the Dan, that are destined for the use of their southern army. I accordingly detached Lieutenant-colonel Tarleton with the legion cavalry, and something upwards of an hundred mounted infantry, on the 9th instant, from Cobham, with orders to call, among other places, at Prince Edward or Bedford court-houses, where I was informed their principal military stores had been collected. This will be a fatiguing expedition, but I shall be able to give them upon their return, as I see little appearance of cavalry being much wanted in this quarter for some time to come: in the mean time I shall remain at or near this place until he comes back, which I hope will be in a few days. I have detached Lieutenant-colonel Dundas with part of the 80th, to destroy the shipping and stores at South Quay, and if possible I shall send a detachment to Edenton for the same purpose before I fall back to Portsmouth. Colonel Gould has received my orders for sending two of the late arrived regiments to New-York, the express vessel with my dispatches having been taken by a rebel privateer. And as it appears by your Excellency's dispatch to me of the 19th June, that you approve of the three regiments remaining in South Carolina, I have notified this to Colonel Gould by the Carysfort, which retook the express vessel, and called here two days ago in her way, to Charles-town.

"It gave me great pleasure to learn from a Charles-town paper, lately brought in here, that General Greene had raised the siege of Ninety-Six, after having been repulsed in an attempt to carry it by assault, and that Lord Rawdon had arrived there on the 29th ultimo. I have likewise been informed in this country that Greene was on his march on the 24th ultimo towards Broad-river."

Copy of a Letter from the Captains of His Majesty's Ships to Earl Cornwallis, relative to the State of Point Comfort, dated Richmond, Hampton-road, 26th July, 1781.

"MY LORD,

"In consequence of a requisition that your Lordship received from the commanders in chief of his Majesty's troops and ships relative to a post being established at Old Point Comfort for the protection and security of the King's ships, that may occasionally be sent to the Chesapeake, we, whose names are hereunto subscribed, have taken as accurate a survey of that place as possible, and are unanimously of opinion, from the width of the channel and depth of water close to it, that any superior enemy's force coming in, may pass any work that can be established there with little damage, or destroy it with the ships that may be there under its protection.

We have the honour to be, &c. &c.

(Signed)

CHARLES HUDSON,
THOS. SYMONDS,
CHARLES EVERIT,
RALPH DUNDAS.

Copy of a Letter from Sir Henry Clinton to Lieutenant-General Earl Cornwallis, dated New-York, August 2d, 1781.

"MY LORD,

"I was last night honoured with your Lordship's Letters of the 24th and 27th ult. by Captain Sturleton; and it gives me no small concern to observe, by the tenor of them, that you are displeased with the opinions I took the liberty of giving in my letter of the 29th of May, respecting the probable consequences of your retreat from Cross Creek to Wilmington, and march from thence to Petersburg; and with what I said to your Lordship, in my letters of the 8th and 11th of last month, on your design of abandoning Williamsburgh Neck, and retiring with your army to Portsmouth. Therefore, as it was not my intention to give offence, and is extremely my wish to be properly understood by your Lordship, I request your attention for a few moments, to the following elucidation of my sentiments on both those subjects:

"The high opinion I entertained of your Lordship's military talents and the respect I had for your situation as second to myself, induced me, from the moment you took charge of a separate command, to leave you at full liberty to act in it as you judged best for the King's service; and I am persuaded your Lordship is not insensible, that I constantly pursued this line of conduct towards you, during all your operations in the Carolinas; aiming at no other merit than that of diligently attending to your wants and supplying them, whilst I was content to remain here myself, upon the very confined defensive, to which I was reduced, by the large detachments, I had sent to the southward, in support of your progress.

"Although your Lordship was, as you have observed, subjected by this means to a certain degree of anxiety and responsibility, it does not appear that I was exonerated of my share of them, I could not, therefore, but be per-

personally and anxiously interested in your successes and disappointments; and though I have a respect for your Lordship's judgment, and am apt to doubt my own when it differs from it, yet it is certainly a duty I owe to my station and commander in chief, to express my dissent from any measure your Lordship adopts, when I apprehend that the consequences may be prejudicial. This, my Lord, being the case with respect to the moves taken notice of in my letter of the 29th of May, (and I most sincerely wish experience had convinced me I was mistaken) I immediately communicated to your Lordship my sentiments of the event, and how I thought it might have been obviated. In these, it seems, I am not so fortunate as to have your concurrence; but I must confess they are not in the least altered by your Lordship's arguments, being still of opinion, that under the circumstances in which you describe your troops to be, you could have fallen back from Cross Creek to the Pedée with much greater ease and safety, than you could have marched double the distance to Wilmington, through a country which you report to be entirely hostile. And I should suppose Lord Rawdon might have moved to the Pedée without interruption to join you, with every refreshment your army wanted, as there does not appear to have been at that time an enemy between that river and Camden; and before you reached the Pedée, the country would probably have been so opened, that your orders for that purpose might have got to his Lordship with as much expedition and safety as your note did after the battle from Guildford. And with respect to your Lordship's subsequent move, I hope you will pardon me if I continue to dissent from the policy of the measure, though you happily surmounted the danger of it, as I fear the advantages, resulting from your junction with the Chesapeake army, will not compensate the losses which immediately followed your quitting Carolina, notwithstanding General Greene's wishes to the contrary, which, I apprehend, meant nothing more than a gasconade, to boast the success he expected from a second action with your Lordship's army, in case it had directed its steps towards him instead of Virginia.

"I hope your Lordship will likewise excuse me for expressing the uneasiness I feel at the observation you make respecting my opinion of the Virginia force, because it seems to convey an insinuation which I am not conscious of deserving; and, I trust, that as I know myself to be incapable of wresting opinions to serve particular purposes, it will appear that what I have said at different periods on that or any other subject, has been perfectly consonant, and candidly what I thought. I beg leave, therefore, to contrast with each other what I have said in this and my other letters on the force of Virginia; and I request your Lordship will be pleased to point out the impropriety which gave rise to that observation.

"In the letter your Lordship quotes, I say, 'I should not have thought, even the one under Major-General Phillips in safety, at Petersburg, at least for so long a time.' In the one of June 8th, your Lordship will see, by La Fayette's letter, 'that you have little more opposed to you than his corps and an unarmed militia.' And in that of June 11th, where, as appears by the intercepted letters of Washington and La Fayette, 'they are in no situation to stand against even a division of that army. And your Lordship may possibly have opposed to you from 1500 to 2000 Continentals, and as La Fayette

Fayette observes, a small body of ill-armed peasantry, full as spiritless as the militia of the southern provinces, and without any service.'

"At the period alluded to in the first letter, General Phillips was at Petersburg with only 2000 men, uncovered by works. Fayette was opposed to him, with his own corps, Steuben, Mulenberg, &c. and all the militia of the province, and expected to be soon joined by Wayne with the Pennsylvania line. I therefore certainly had cause to be apprehensive for General Phillips's corps, in case Greene had, on hearing of your Lordship's move from Wilmington, fallen back, and calling La Fayette to him, placed himself, with their united force, between your Lordship's and the Petersburg army, ready to strike at either as it suited his purpose. But when the other letters were written, my opinion of the Virginia force was formed from the rebel letters just intercepted, which fully described the state of their arms and their numbers. I therefore cannot discover, that they shew, I thought at different periods, more or less favourably of it, but as I was warranted to do by matter of fact, and the intelligence I received.

"To give a full and satisfactory answer to your Lordship's letter of the 27th of July, will, perhaps, take up more time than you or I can well spare. But as your Lordship appears to be greatly affected by the contents of my letters of the 8th and 11th ult. I think it a duty I owe to your feelings and my own, to say something in explanation of them: I must therefore beg your Lordship's patience, while I state the substance of my correspondence with General Phillips and yourself concerning the stations to be held, and operations to be carried on in Chesapeake, &c. which, I presume, will at least prove, that I spared no pains to explain my desires to your Lordship, though I have, perhaps, unhappily failed in making them understood.

"My instructions to General Phillips, as quoted by your Lordship, gave him a power to take possession of York-town or Old Point Comfort, as a station for large ships, if the Admiral should disapprove of Portsmouth, and require one. In my letters to that general officer of the 24th March and 11th April, I desired his opinion respecting the post of Portsmouth, and such others as he proposed to establish on James-river, with their importance considered, either as assisting your Lordship's operations, or connected with those of the navy; and after having received that opinion, I told him that Portsmouth was by no means my choice, and left him at liberty to change it if he saw proper. And the substance of the conversations with him, as extracted by your Lordship, go more fully into the advantage of a naval station, pointing particularly to the one at York; being led to the consideration of its utility by the French, having two winters ago sheltered their ships under works thrown up there; and (as I have already mentioned to your Lordship) General Arnold has since told me, that from the description given him of it by Lieutenant-Colonel Simcoe, he judged 2000 men would be ample for its defence.

"From hence, my Lord, I presume it will appear, that I very early entertained thoughts of a station in Chesapeake for large ships. And I referred your Lordship in my letter of the 29th of May, to my correspondence, &c. with General Phillips (in your possession) for my ideas on that and other operations which I had in view; leaving you at liberty however, to follow them or your own, as you judge best for the King's service. Having therefore

fore afterwards, seen by your Lordship's dispatches of the 26th of May, that you had considered the papers referred to; and had the same objections to Portsmouth, which had been before stated, and was inclined to think well of York, as a proper harbour and place of arms; I naturally concluded that your Lordship had entirely concurred with me, not only as to the propriety of laying hold of a naval station somewhere on the Williamsburg Neck, but as to the place. And I of course supposed that your Lordship would set about establishing yourself there immediately on your return from Richmond, which I expected would be in three or four days after the date of your letter. Wherefore imagining you were considerably advanced in your works, (for I had no letter afterwards from your Lordship, until the one you honoured me with of the 30th June) I ventured to solicit you for a part of your force to assist me in the operations I proposed carrying on in this quarter, during the summer months, when those in the Chesapeake must have probably ceased. And in doing this, as I was totally in the dark with respect to what was then doing in the Chesapeake, I endeavoured, as much as lay in my power, to avoid all possibility of interrupting the moves you might be engaged in, or any object you might have in view, as will, I doubt not, be manifested, from the following extracts from my letters to your Lordship, which I beg leave to submit once more to your consideration.

"May 29th. 'I would rather content myself with ever so bare a defensive (until there was an appearance of serious operations against me) than cramp yours in the least.'

"June 8th. You will see by Fayette's letter, 'You have little more opposed to you, &c. your Lordship can therefore certainly spare 2000 men; and the sooner they come the better, &c. Had it been possible for your Lordship to have let me know your views and intentions, I should not now be at a loss to judge of the force you might want for your operations. Ignorant, therefore, as I am of them, I can only trull, that, as your Lordship will see, by the enclosed intercepted letters, my call for a reinforcement is not a wanton one; you will send me what you can spare as soon as may be expedient: For should your Lordship be engaged in a move of such importance, as to require the employment of your whole force, I would by no means wish to starve or obstruct it; but in that case, would rather endeavour to wait a little longer, until my occasions grow more urgent, or your situation admits of your detaching; of which, however, I request to be informed with all possible dispatch.' N. B. This letter was written immediately after I had known the enemy's designs of attacking this place, and should therefore be considered as thoroughly descriptive of the nature of my wishes for a reinforcement. June 11th, 'I shall of course approve of any alterations your Lordship may think proper to make, with respect to the stations I proposed taking in York and James rivers. Thus circumstanced, I am persuaded your Lordship will be of opinion, that the sooner I concentrate my force the better. Therefore, unless your Lordship, after the receipt of my letters of the 29th May, and 8th instant, should incline to agree with me in opinion, and judge it right to adopt my ideas, I beg leave to recommend it to you, as soon as you have finished the active operations you may be now engaged in, to take a defensive station in any healthy situation you choose, (be it at Williamsburg or York-town) and I would wish, in that case, (i. e. after you have secured

(such a station) that, *after reserving to yourself* such troops as you may judge necessary for an *ample defensive*, and desultory movements by water, &c. the following corps may be sent to me, in succession, as you can spare them.'

" June 15th, 'I delay not a moment to dispatch a runner with a duplicate of my letter of the 11th instant, and as I am led to suppose, from your Lordship's letter of the 26th ult. that you may not think it expedient to adopt the operations I had recommended in the Upper Chesapeak, and will, by this time, probably have finished those you were in engaged in. (In which, surely, the securing defensive stations is obviously likewise employed) I request you will immediately embark *a part* of the troops, stated in the letter inclosed, beginning with the *light infantry*, and send them to me with the greatest dispatch. I shall likewise, in proper time, solicit the Admiral to send some more transports to the Chesapeak; in which your Lordship will please to send hither the remaining troops you judge *can be spared from the defence of the posts you may occupy*: as I do not think it advisable to leave more troops in that unhealthy climate at this season of the year, than what are absolutely wanted *for a defensive* and desultory water excursions.'

" June 19th, 'I am, however, persuaded, they will attempt the investiture of this place. I therefore heartily wish I was more in force, *that I might be able to take advantage of any fallie movements they may make in forming it*. Should your Lordship have any solid operation to propose, or have approved of the one I mentioned in my former letters, I shall not, as I have already told you, *press you for the corps* I wished to have sent me, *at least for the present*. But if, in the *approaching inclement season*, your Lordship should not think it prudent to undertake operation with the troops you have, &c. I cannot but wish, for their sake, if I had no other motive, that you would send me, as soon as possible, what you can *spare from a respectable defensive*. And that your Lordship may better judge what I mean by a *respectable defensive*, it is necessary to inform you, that other intelligence, besides Monsieur Barras' letter, makes it highly probable that Monsieur De Grasse will visit this coast in the hurricane season, and bring with him troops as well as ships. But when he hears your Lordship *has taken possession of York-river before him*, &c. (which, in other words, certainly means your defensive is required to be more particularly *respectable*, as De Grasse is expected to come soon with a considerable armament to the Chesapeak, where he will probably seize a station for his large ships in York-river. But as it appears to be your Lordship's intention to take possession of that post, I think he will, upon hearing you have done so, relinquish the design, and join the force assembling against this place.) In the hope that your Lordship will be able to spare me 3000 men, I have sent 2000 tons of transports; but should your Lordship not be able to spare the whole,' &c.

" These letters, my Lord, are each a link of the same chain, and collectively or separately were intended to speak the same language; the simple and obvious meaning of which I humbly presume to be this. "I find your Lordship does not think it expedient to undertake the operations I proposed, and you have none of your own in contemplation; and it being probable, you have made your arrangements for changing the post of Portsmouth, which you dislike, and have finished your defensive on the Williamsburgh Neck, which we both approve of; I request that, 7000 men.

“ men) which as far as I can judge without having lately received any re-
 “ turns) you have, you will reserve as many as you want for the most ample
 “ defensive and desultory water expeditions, and then send me the rest (ac-
 “ cording to the inclosed list) in succession as you can spare them.”

It is true, indeed, that several of these letters were not received by your Lordship until some time after you received those of the 11th and 15th, owing to the unexpectedly tedious voyage of the Charon that carried them; and you must be sensible that it would have been imprudent in me to have risked duplicates of them by the boat in which Ensign Amiel was dispatched. But your Lordship will be pleased to recur to those you have received by him, and I am persuaded you will find that the letter of the 11th refers you to those of the 29th of May and 8th of June, which (it is expressly implied) your Lordship was to read before you executed the order contained in that of the 15th, and your not having received them would (I should suppose) have fully warranted at least the suspension of your resolution of re-passing James-river, until you had stated to me your situation, and heard again from me.

After this very candid and ample explanation, my Lord, I have only to assure you, that it was not my intention to pass the slightest censure on your Lordship's conduct; much less an unmerited or severe one.—We are both amenable to the censure of a much higher tribunal, should either of us unhappily commit errors that deserve it. Nor had I the smallest right to doubt your Lordship's readiness to comply with my desires, if you had understood them.—The dispatch with which you prepared to execute what you thought my wish, and the alacrity you afterwards shewed, together with the ample manner in which you equipped the expedition I ordered, convince me you are inclined to do so, I had there ore only to lament, your Lordship had mistaken my intentions; and to endeavour to obviate the inconvenience as speedily as possible. This perhaps was done in more positive language than I had been accustomed to use to your Lordship; but I had no other object in view, than to make myself clearly understood; which I am happy to find has been the case, and that my messenger was in time to prevent the consequences I apprehended.

“ I have the honour to be, &c.”

(Signed) H. CLINTON.”

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated York, in Virginia, August 12th, 1781.

“ S I R,

“ I embarked the 80th regiment in boats, and went myself on board of the Richmond, very early in the morning of the 29th, but we were so unfortunate in winds as to be four days on our passage; the 80th landed on the night of the 1st at Gloucester, and the troops, who were in transports, on the morning of the 2d, at this place. I have since brought the 71st and legion hither, and sent the regiment du Prince Hereditaire to Gloucester.

“ The works on the Gloucester side are in some forwardness, and I hope in a situation to resist a sudden attack.—Brigadier-General O'Hara is hastening, as much as possible, the evacuation of Portsmouth. As soon as he arrives

here, I will send to New-York every man that I can spare, consistent with the safety and subsistence of the force in this country.

“ I am, &c.

(Signed) “ CORNWALLIS.”

Copy of a letter from Earl Cornwallis to Sir Henry Clinton, dated York, in Virginia, August 31st, 1781.

“ S I R,

“ A French ship of the line, with two frigates, and the Loyalist, which they have taken, lay at the mouth of this river.

“ A lieutenant of the Charon, who went with an escort of dragoons to Old Point Comfort, reports, that there are between thirty and forty sail within the Capes, mostly ships of war, and some of them very large.

“ I am, &c.

(Signed) “ CORNWALLIS.”

Copy of a Letter from Sir Henry Clinton to Earl Cornwallis, dated New-York, September 2d, 1781.

“ M Y L O R D,

“ By intelligence which I have this day received, it would seem that Mr. Washington is moving an army to the southward, with an appearance of haste, and gives out, that he expects the co-operation of a considerable French armament. Your Lordship, however, may be assured, that if this should be the case, I shall either endeavour to reinforce the army under your command, by all the means within the compass of my power, or make every possible diversion in your Lordship's favour.

“ Captain Stanhope, of his Majesty's ship Pegasus, who is just arrived from the West-Indies, says, that on Friday last, in lat. 38, about sixty leagues from the coast, he was chased by eight ships of the line, which he took to be French, and that one of the victuallers he had under his convoy had counted upwards of forty sail more. However, as Rear Admiral Graves, after being joined by Sir Samuel Hood, with fourteen coppered ships of the line, sailed from hence on the 31st ultimo, with a fleet of nineteen sail, besides some sixty-gun ships, I flatter myself your Lordship will have little to apprehend from that of the French.

“ I am, &c.

(Signed) “ H. CLINTON.

“ P. S. Washington, it is said, was to be at Trenton this day, and means to go in vessels to Christian Creek, from thence, by head of Elk, down Chesapeake, in vessels also, if that navigation is not interrupted; if he should go by land from Baltimore, your Lordship can best judge what time it will require; I suppose at least three weeks from Trenton. Washington has about 4000 French and 2000 rebel troops with him.”

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated York-Town, Virginia, September 2d, 1781.

"S I R,

"Comte De Grasse's fleet is within the Capes of the Chesapeak; forty boats with troops went up James-river yesterday, and four ships lay at the entrance of this river.

"I am, &c.

(Signed)

"CORNWALLIS."

Copy of a Letter from Sir Henry Clinton to Earl Cornwallis, dated New-York, September 6th, 1781.

"MY LORD,

"As I find by your Lordship's letters, that De Grasse has got into the Chesapeak, and I can have no doubt that Washington is moving with at least 6000 French and rebel troops against you, I think the best way to relieve you, is to join you as soon as possible with all the force that can be spared from hence, which is about 4000 men; they are already embarked, and will proceed the instant I receive information from the Admiral, that we may venture, or that from other intelligence the Commodore and I shall judge sufficient to move upon.

"By accounts from Europe, we have every reason to expect Admiral Digby hourly on the coast.

"I beg your Lordship will let me know, as soon as possible, your ideas how the troops embarked for the Chesapeak may be best employed for your relief, according to the state of circumstances, when you receive this letter. I shall not, however, wait to receive your answer, should I hear in the mean time that the passage to you is open.

I am, &c.

(Signed)

"H. CLINTON.

"P. S. I have just received your Dispatch, by the Dundas galley, from Mr. Cary."

Copy of a Letter from Rear Admiral Graves to Sir Henry Clinton, dated London, off Carratuck Inlet, September 9th, 1781.

"S I R,

"I had the honor of your Excellency's letter yesterday, by the Pegasus, together with a letter for Earl Cornwallis, which I have sent away the same evening, by Captain Hudson, of the Richmond, whose knowledge of the place and abilities promise the greatest success. At the same time I am sorry to inform you, the enemy have so great a naval force in the Chesapeak, that they are absolute masters of its navigation; Captain Duncan, who looked in there the 7th, saw a large two-deck ship, and one other ship working down, who came to anchor about the height of York-River, and five sail farther up, one of which might be the Komulus; at the same time two large ships were seen coming out of Elizabeth-river.

"The French fleet at sea consists of twenty-four sail of the line, large ships, and two frigates; we met them the 5th, coming out of the Chesapeak, and had

had a pretty sharp brush with their van and part of their centre. The rear on neither side engaged; they appear to have suffered, but not so much as our van; we have been in sight of each other ever since, and for two days they had the wind of us, but did not incline to renew the action. In this ticklish state of things, your Excellency will see the little probability of any thing getting into York-river but by night, and of the infinite risque to any supplies sent by water; how far a diversion made in the neighbourhood of York, may effect any good purposes, your Excellency is by far the best judge. All that I can say, is, that every resistance the fleet can make shall not be wanting, for we must either stand or fall together. It has been very unfortunate, that neither the Robuste nor Prudente were with us; and could I have sent orders by Aides de Camp at full speed, instead of using signals, which are ever dubious. We might, by a united effort, have made a pretty strong impression on the enemy, as this rencontre happened close in with Cape Henry.

“ I have the honour, &c.

(Signed) “ THOS. GRAVES.”

Copy of a Letter from Sir Henry Clinton to Rear-admiral Graves, dated New-York, Sept. 14, 1781.

“ SIR,

“ I was yesterday honoured with your letter of the 9th instant by his Majesty's ship Pegasus.

“ Notwithstanding I am clearly of opinion that a direct move to the Chesapeak and landing the troops there is the only one which can effectually assist Lord Cornwallis, I cannot but agree with you, that there will be infinite risk in sending supplies at present into York-river, unless you can force the enemy's fleet: I do not, however, apprehend that his Lordship is or can be in any immediate danger, as his numbers, including the sailors and marines of the King's ships, and the refugees who have joined him, may be computed at 8000, and he can feed 10,000 at full allowance until the end of October.

“ By this time you will have been informed that Admiral Digby is on his passage. When you are joined by him, the Robuste, and Prudente, I shall hope you may be able to force the Chesapeak, and cover our landing: for I must again repeat, that I think nothing can relieve Lord Cornwallis but a landing of troops in the Chesapeak; and should his army fall, I need not say what fatal consequences are to be apprehended: every exertion, therefore, of both fleet and army in my humble opinion should certainly be tried, even at great risk, and I flatter myself you will concur with me in it. Wherefore, Sir, if you approve, I will instantly attend your summons whenever you determine on the attempt, and think you can force the enemy into James-river, or up the Chesapeak-bay, and bring with me all the troops which can be spared from the defence of this post: and then, Sir, if you will be so good to land me on either York or Gloucester-neck, I will at all risks endeavour to effect a junction with Lord Cornwallis, provided you will continue in possession of the Bay; in which case, if we are successful, and can afterwards make an impression on their troops, we may try our joint efforts against their fleet, should it be retired into James-river.

“ But if it is your wish, Sir, to consult with me before any thing is determined on, I will with pleasure attend you. And when we are together, it is possible we may be able to form some plan which will effectually assist Lord Cornwallis’s operations, which, after what I have said, you will be sensible must absolutely be done before the end of next month.

“ I have the honour, &c.

(Signed)

“ H. CLINTON.”

Copy of a Letter from Rear-admiral Graves to Sir Henry Clinton, dated London at Sea, off Cape Charles, Sept. 15, 1781.

“ SIR,

“ I had the honour to receive your Excellency’s duplicate for Earl Cornwallis, and the letter accompanying it, by the Pearl frigate last night. The Richmond and Iris were sent immediately with your first dispatch for Lord Cornwallis, as the French fleet were then out. The whole fleet are now at anchor above and about the Horse-shoe shoal, so that a frigate has no chance of getting even a boat forward, and the French cruizers are out. We think it impracticable to force so strong a fleet, advantageously posted in a strong situation, and that a shattered fleet, as ours, should not be exposed to a storm at the equinox; we therefore determined to shelter at New-York. I fear that nothing by sea can be got up to Lord Cornwallis. Neither the Richmond nor Iris have been seen since.

“ I have the honour, &c.

(Signed)

“ T. GRAVES.”

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated York-town, Virginia, 8th Sept. 1781.

“ SIR,

“ I have made several attempts to inform your Excellency that the French West-India fleet under Monsieur De Grasse entered the Capes the 29th ult. I could not exactly learn their number. They report twenty-five or twenty-six sail of the line. One of seventy-four, two of sixty-four, and one frigate lay in the mouth of this river. On the 6th the seventy-four and frigate turned down with a contrary wind, and yesterday the two others followed. My report, dated last evening from a point below, which commands a view of the Capes, says, that there were within the Capes only seven ships, two of which were certainly ships of the line, and two frigates. Firing was said to be heard off the Capes the night of the 4th, the morning and night of the 5th, and morning of the 6th.

The French troops landed at James-town are said to be 3800. Washington is said to be shortly expected, and his troops are intended to be brought by water from the head of Elk under protection of the French ships. The Marquis De La Fayette is at or near Williamsburg, and the French troops are expected there, but were not arrived last night. As my works were not in a state of defence, I have taken a strong position out of the town. I am

now

now working hard at the redoubts of the place. The army is not very sickly. Provisions for six weeks. I will be very careful of it.

“ I have the honour, &c.

(Signed)

“ CORNWALLIS.”

Copy of a Letter from Sir Henry Clinton to Rear-admiral Graves, dated New-York, 17th Sept. 1781.

“ SIR,

“ It has been this day determined in a council of war, composed of the lieutenant-generals of the army and myself, that it is absolutely necessary that a reinforcement of troops and supplies of provisions should be sent to Lord Cornwallis the first moment it is practicable; but that the attempt should be made at all events before the end of October, as his present provisions may not probably last longer than that period. I have therefore the honour to acquaint you, that the troops, provisions, and stores, which have been embarked some time, shall move to join you the moment I receive your opinion that it becomes proper to do so; and as I accompany them, I shall be happy in concerting with you, Sir, such measures as may be judged most likely to accomplish this most important and necessary service. And in the mean time I beg leave to submit my present idea of the means of doing it to your consideration: which I humbly conceive are, that the fleet, by a vigorous effort, shall first open a communication with Lord Cornwallis by the York-river if possible, but if that is not practicable, by the James; and then the troops being landed under the cover of the King's ships, must endeavour to force a junction with his Lordship. It appears to me also highly requisite that your fleet should remain in co-operation with us, being entirely of your sentiments, that in this very critical situation of our affairs we must stand or fall together.

“ I have the honour, &c.

(Signed)

“ H. CLINTON.”

Copy of a Letter from Sir Henry Clinton to Rear-admiral Graves, dated New-York, 20th Sept. 1781.

“ SIR,

“ I had delivered all my letters to Captain Tonkon, who had intentions of paying his respects to you, but the bad weather having prevented the troops from landing, he has not been able to proceed, I therefore send my aid-de-camp, Major Lloyd.

“ In the critical situation of Lieutenant-general Earl Cornwallis, the army under his command, and part of his Majesty's navy, I am sure, Sir, you will agree with me, that no time should be lost in having a formal consultation of flag and general officers to determine on some plan by which the joint efforts of the fleet and army may relieve them; whenever, therefore, you, Sir, are pleased to appoint that time, I will meet you with Lieutenant-generals Knyphausen, Robertson, Leslie, and Campbell.

“ I have the honour, &c.

(Signed)

“ H. CLINTON.”

Copy

Copy of a Letter from Rear-admiral Graves to Sir Henry Clinton, dated London, at Sandy-Hook, 21st Sept. 1781.

“ S I R,

“ I have the honour to receive your Excellency's letters of the 14th and 17th instant.

“ I am very happy to find that Lord Cornwallis is in no immediate danger, and beg leave to assure you, that as soon as the fleet can be got into a state for action, I am ready to undertake any service in conjunction with the army that shall be thought advisable; at the same time I should be greatly wanting were I not to apprise your Excellency, that the injuries received by the fleet in the action, added to the complaints of several very crazy ships, make it quite uncertain how soon the fleet can be got to sea; one ship we have been obliged to abandon, and another is in a very doubtful state.

“ At the same time that the naval resources are slender, I have not a word of official information concerning Rear-admiral Digby, nor of a convoy. At the same time I have the greatest satisfaction in the report of his being expected, as it may be the means of enabling us to look at the French fleet, who I understand are posted between the Horse-Shoe and the middle, in two divisions, so as effectually to block up the access to York-river; but whether the enemy are strong enough to block both York and James rivers, I am un-informed.

“ The moment I can get up to New-York (as all the ships will move up whenever the wind admits, for the sake of dispatch) I shall have the honour of meeting your Excellency.

“ I have this moment received your Excellency's letter by your aid-de-camp, Major Lloyd.

“ I believe you will find the purport of it answered in the above. And I hope very soon to have the honour of meeting your Excellency, as I propose coming up in the ship the moment the wind will permit.

“ I have the honour to be, &c.

(Signed)

“ T. GRAVES.”

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated York-town, Virginia, 16th and 17th September, 1781.

“ S I R,

“ I have received your letters of the 2d and 6th.—The enemy's fleet has returned. Two line of battle ships and one frigate lie at the mouth of this river, and three or four line of battle ships, several frigates and transports went up the bay on the 12th and 14th. I hear Washington arrived at Williamsburg on the 14th. Some of his troops embarked at head of Elk, and the others arrived at Baltimore on the 12th.

“ If I had no hopes of relief, I would rather risk an action than defend my half finished works. But as you say Admiral Digby is hourly expected, and promised every exertion to assist me, I do not think myself justifiable in putting the fate of the war on so desperate an attempt.

"By examining the transports, and turning out useless mouths, my provisions will last at least six weeks from this day, if we can preserve them from accidents. The cavalry must, I fear, be all lost. I am of opinion that you can do me no effectual service but by coming directly to this place.

"I have the honour to be, &c.

(Signed) "CORNWALLIS."

"17th September.—Lieutenant Conway, of the *Cormorant*, is just exchanged. He assures me, that since the Rhode-island squadron has joined, they have thirty-six sail of the line.

"This place is in no state of defence. If you cannot relieve me very soon, you must be prepared to hear the worst."

Copy of a Letter from Sir Henry Clinton to Rear-Admiral Graves, dated New-York, 25th September, 1781.

"SIR,

"I am this moment favoured with your letter of this date, and have the honour to inform you that upon the breaking up of the council of war, the requisite orders were immediately dispatched to the commanding officer of artillery respecting the fire-works and combustibles for the three additional fire-ships, and to the different departments, to furnish lumber and give every other assistance in their power to the navy on this very important occasion.

"I have the honour to be, &c.

(Signed) "H. CLINTON."

Copy of a Letter from Sir Henry Clinton to Earl Cornwallis, dated New York, 24th September, 1781.

"MY LORD,

"I was honoured yesterday with your Lordship's letter of the 16th and 17th instant. And at a meeting of the flag, and general officers held this day, it is determined that above 5000 men, rank and file, shall be embarked on board the King's ships, and the joint exertions of the army and navy made in a few days to relieve you and afterwards to co-operate with you. The fleet consists of twenty-three sail of the line, three of which are three deckers.

"There is every reason to hope we shall start from hence about the 5th October.

"I have the honour to be, &c.

(Signed) "H. CLINTON."

"P. S. Admiral Tilly is this moment arrived at the Hook with three sail of the line. At a venture, without knowing whether they can be seen by us, I request that if all is well upon hearing a considerable firing towards the entrance of the Cagtapack, three large separate smokes may be made parallel to it; and if you possess the post at Gloucester-four. I shall send another runner to you in a little time.

"I have received your Lordship's letter of the 8th instant.

(Signed) "H. CLINTON."

Copy

Copy of a Letter from Sir Henry Clinton to Earl Cornwallis, dated, New-York, 25th September, 1781.

“MY LORD,

“My letter of yesterday will have informed your Lordship of the number of ships and troops we can bring with us. It is supposed the necessary repairs of the fleet will detain us here to the 5th of next month. And your Lordship must be sensible, that unforeseen accidents may lengthen it out a day or two longer. I therefore intreat your Lordship to lose no time in letting me know by the bearer your real situation, and your opinion how upon our arrival we can best act to form a junction with you, together with the exact strength of the enemy's fleet and what part of the Chesapeak they appear to be most jealous of.

“I have the honour to be, &c.

(Signed) “H. CLINTON.”

“P. S. As your Lordship must have better intelligence than we can possibly have, I request you will send a trully person to each of the Capes about the 7th of next month, with every information respecting the force and situation of the enemy you may judge necessary for us to know, and directions to continue there until our arrival, when small vessels will be sent to bring off any person they may find there.

(Signed) “H. CLINTON.”

Copy of the Minutes of a Council of War held at Head-Quarters, New-York, 24th September, 1781.

• P R E S E N T. •

H. E. Sir Henry Clinton, K. B.	Rear-Admiral Graves,
H. E. Lieutenant-General Knyphausen,	Rear-Admiral Sir Samuel Hood,
H. E. Lieutenant-General Robertson,	Rear-Admiral Drake,
Honourable Lieutenant-General Leslie,	Commodore Aspleck.
Major-General Paterfon,	

“Read Sir Henry Clinton's letter to Earl Cornwallis of the 2d and 6th instant, and the Earl's letters to Sir Henry Clinton of 22d and 31st August, and 2d, 8th, and 16th and 17th instant.

“Sir Henry Clinton acquainted the board, that it was the unanimous opinion of the general officers assembled the evening before, that Lord Cornwallis's situation required the most speedy assistance.

“That the only probable means of relieving his Lordship, which appeared to them, were a direct movement of the fleet and army to the Chesapeak, to endeavour, by their joint efforts, to force a junction with him. The fleet continuing there afterwards in co-operation, That it being their opinion that the loss of Lord Cornwallis's corps would be attended with the most fatal consequences, they thought no time should be lost in attempting to relive him even at some risk.

"It was therefore proposed and the question put, whether the troops, &c. designed and held in readiness for this service should (when the fleet was refitted) be put on board the King's ships, and the whole afterwards proceed to the Chesapeake, and endeavour by every means in their power to form a junction with Lord Cornwallis's army at York? — Agreed to.

This being the opinion of the Board — Proposed, That the following letter should be sent immediately to Lord Cornwallis.

"At a meeting of the flag and general officers, held this day in consequence of your Lordship's letter of the 16th and 17th instant, it was unanimously determined, That above 5000 men shall be embarked on board the King's ships, and the joint exertions of the fleet and army shall be made in a few days to relieve you, and afterwards to co-operate with you: there is every reason to hope we shall start from hence the 5th of October. — Unanimously agreed to.

"Resolved, That three additional fire-ships shall be prepared for immediate service, with every possible dispatch.

(Signed) "H. CLINTON. "A. LESLIE.
"KNYPHAUSEN. "J. PATERSON."
"JAMES ROBERTSON.

Copy of a Letter from Sir Henry Clinton to Rear-admiral Graves, dated New-York, 28th Sept. 1781.

"SIR,

"As we have given Lord Cornwallis hopes that the armament, which is intended to succour him, will probably proceed about the 5th of next month, I beg leave to suggest to you, whether, in case you should, Sir, have any reason, from circumstances which have arisen since, to suppose that the fleet will not be ready at that time, it may not be proper to take the opportunity of a runner I propose sending to the Chesapeake, to give information of it to his Lordship, who may otherwise depend too much on early succour.

"I have the honour to be, &c.

(Signed.) "H. CLINTON."

Copy of a Letter from Rear Admiral Graves to Sir Henry Clinton, dated London, North River, September 28th, 1781.

"SIR,

"I have the honour of your Excellency's letter of the 28th, wherein you suggest the propriety of sending a runner to Lord Cornwallis, to apprize him of the time the fleet may be ready to proceed, in case it should not, from circumstances, be able to fail so soon as the 5th of next month, the time which was first mentioned.

"In answer thereto, your Excellency is the best judge how far his Lordship's expectations may be disappointed; but, from the information of the officers of the yard to-day, I cannot promise myself that the fleet will be ready sooner than the 8th of the next month.

"I have the honour to be, &c.

(Signed) "THOS. GRAVES."

Copy

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated York-Town, Virginia, September 29th, 1781, 10 P. M.

“ S I R,

“ I have ventured these two days to look General Washington’s whole force in the face, in the position on the outside of my works; and I have the pleasure to assure your Excellency, that there was but one wish throughout the whole army, which was, that the enemy would advance.

“ I have this evening received your letter of the 24th, which has given me the greatest satisfaction. I shall retire this night within the works, and have no doubt, if relief arrives in any reasonable time, York and Gloucester will be both in possession of his Majesty’s troops. — I believe your Excellency must depend more on the sound of our cannon than the signal of smokes for information; however, I will attempt it on the Gloucester side. Medicines are wanted.

“ I have the honour to be, &c.

(Signed) “ CORNWALLIS.”

Copy of a Letter from Sir Henry Clinton to Earl Cornwallis, dated New-York, September 30th, 1781.

MY LORD,

“ Your Lordship may be assured, that I am doing every thing in my power to relieve you by a direct move; and I have reason to hope, from the assurances given me this day by Admiral Graves, that we may pass the Bar by the 12th October, if the winds permit, and no unforeseen accident happens. This, however, is subject to disappointment; wherefore, if I hear from you, your wishes will of course direct me, and I shall persist in my idea of a direct move, even to the middle of November, should it be your Lordship’s opinion that you can hold out so long; but if when I hear from you, you tell me you cannot, and I am without hopes of arriving in time to succour you, by a direct move, I will immediately make an attempt upon Philadelphia by land, giving you notice, if possible, of my intention. If this should draw any part of Washington’s force from you, it may possibly give you an opportunity of doing something to save your army; of which, however, you can best judge, from being upon the spot.

“ I have the honour to be, &c.

(Signed) “ H. CLINTON.

“ Duplicate sent by Major Cochran the 3d October.”

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated York-Town, Virginia, October 3d, 1781.

“ S I R,

“ I received your letter of the 25th September last night. The enemy are encamped about two miles from us. On the night of the 30th September, they broke ground, and made two redoubts about eleven hundred yards from our works, which, with some works that had been constructed to secure our exterior position, occupy a gorge between two creeks, which nearly embrace this post; they have finished those redoubts, and I expect they will go on with

with their works this night. From the time that the enemy have given us, and the common exertions of the troops, our works are in a better state of defence than we had reason to hope.

"I can see no means of forming a junction with me, but by York-River; and I do not think that any diversion would be of use to us."

"Our accounts of the strength of the French fleet, have in general been, that they were 35 or 36 sail of the line. They have frequently changed their position; two ships of the line and one frigate lie at the mouth of this river; and our last accounts were, that the body of the fleet lay between the Tail of the Horse-shoe and York Spit; and it is likewise said, that four line of battle ships lay a few days ago in Hampton Road.

"I see little chance of my being able to send persons to wait for you at the Capes, but I will, if possible.

"I have the honor to be, &c.

(Signed)

"CORNWALLIS."

Copy of a Letter from Rear Admiral Graves to Sir Henry Clinton, dated London, North-River, October 5th, 1781.

"SIR,

"Upon examining the powder of his Majesty's ship London, where my flag is flying, so much of it is found unfit for use, that I am under the necessity of applying to your Excellency to have it replaced out of the army store; there being no powder, as I am informed, in the care of the Naval Ordnance Store-keeper.

"I am, &c.

(Signed)

"THOS. GRAVES."

Copy of a letter from Sir Henry Clinton to Rear Admiral Graves, dated New-York, October 5th, 1781.

"SIR,

"I am just honoured with your letter of this day, desiring a supply of powder out of the army store, to replace a quantity of that article, which is found unfit for use, on board his Majesty's ship London. And I have the honour to acquaint you, that I shall immediately give orders for its being furnished,

"I have the honour to be, &c.

(Signed)

"H. CLINTON."

Extract of a Letter from Rear Admiral Graves to Sir Henry Clinton, dated London, North-River, October 6th, 1781.

"I will trouble your Excellency with one question. Suppose it should be necessary to detach the West-India Squadron after we are at sea, and there is no possibility of our doing any thing at the Chelapeak, what is to be done with the troops on board them? The greater part can never be received on board the lesser or smaller number of ships.

(Signed)

"THOS. GRAVES."

Copy of a Letter from Sir Henry Clinton to Rear Admiral Graves, dated New-York, October 7th, 1781.

“ S I R,

“ I am honoured with your letter of the 6th instant, closing with a question, as I understand it,—Supposing there should be no possibility of doing any thing in Chesapeak Bay, and it should be necessary to detach the West-India Squadron, what is to be done with the troops on board that part of the fleet?

“ Having for object a junction with Lord Cornwallis in Chesapeak, and every hope, by our joint exertions, of making it, it was my intention, after the junction, either to leave the troops there, or withdraw them, as circumstances might require. But supposing, after our joint exertions to attain this important object, there should be no possibility of entering the Chesapeak, I should hope, Sir, the whole fleet would return to this port; for should any misfortune happen to the army in Virginia, and a considerable part of this army should be carried to the West-Indies, these posts would be exposed to great danger.

“ I am aware, however, that part of the squadron may possibly suffer so much, as to be unable to regain this port; and the only remedy I can offer in that case, is, for transports to follow the fleet at a distance, without embarrassing it, waiting the event under the convoy of such frigates as you may think proper to appoint. And should circumstances require the West-India fleet quitting this coast, without returning here, the troops on board those ships may be put on board.

“ This, Sir, I submit of course, with great deference, as it is altogether a naval question. However, if you do not choose to decide upon it yourself, as I understand all the Admirals will be upon the spot to-morrow, if you judge it necessary, the General Officers and I will have the honour to attend you either on board the London, or at Head Quarters, as you may please to appoint.

“ I have the honour to be, &c.

(Signed) “ H. CLINTON.”

Copy of a Letter from Rear Admiral Graves to Sir Henry Clinton, dated October 7th, 1781.

“ S I R,

“ I had the honour of your Excellency’s letter of the 7th since it was dark.

“ The question, which that is an answer to, was no more than a thought which came across my mind (as not quite out of the reach of probability) while I was answering your Excellency’s letter upon the propriety of the 69th regiment remaining in North America, even though it should be embarked again on board the West-India squadron.

“ The idea of taking with us any transports would, I apprehend, be to depart from the resolution formed at the first consultation, and I should fear might occasion as great a delay to us as if the troops were embarked on board them.

“ I will mention the circumstance, however, to-morrow at our meeting; and if any thing should arise that will make it necessary for the general and

flag-officers to meet, your Excellency shall have the earliest notice; for the subject of our debate to-morrow is intended to be confined to naval matters.

"At any other time that your Excellency is desirous of having a conference, I shall with the greatest pleasure attend you.

"I have the honour to be, &c.

c (Signed)

"T. GRAVES."

Copy of a Letter from Sir Henry Clinton to Rear-Admiral Graves, dated New-York, 8th October, 1781.

"S I R,

"I was honoured last night with your letter of yesterday.

"As I had the honour of proposing to you, at our first consultation, the receiving the troops on board the King's ships, purposely to avoid the delays that might be occasioned by their being in transports. You will, I am sure, do me the justice to believe it could not be my intention to propose to you, at this time, any embarrassment, or to offer any thing that might in the least seem to depart from the resolution of the first consultation, or any other since held. And I am persuaded, Sir, if you will be so good as to read my letter of yesterday once more, you will find my opinion is given in the following words:

"The only remedy I can offer in that case is, for transports to follow the the fleet at a distance without embarrassing it, waiting the event, under the convoy of such frigates as you may think proper to appoint; and should circumstances require the West India fleet quitting this coast without returning here, the troops on board those ships may be put on board the transports.

"So far from having the least idea of giving any embarrassment to the fleet going on the expedition, I cautiously provided against it in the only expedient that occurred to me, submitting it, however, with great deference to your determination, as it is altogether a naval question.

"Should you wish to have a conference on this day, or any other, with the general officers, I will with pleasure attend you at any hour or time you may please to appoint.

I have the honour to be, &c.

(Signed)

H. CLINTON.

Copy of a Letter from Sir Henry Clinton, to Earl Cornwallis, dated New-York, 14th and 15th October, 1781.

"MY LORD,

"I had the honour to receive your Lordship's letter of the 29th ult. on the 8th instant, and that of the 3d on the 12th, and am happy to find that mine of the 24th and 25th have reached you.

"At a council of war of the general officers, held the 10th instant, it was resolved I should submit the three following plans to your Lordship's consideration: They occurred to us as secondary objects, only in case we should find it absolutely impracticable to go directly up to York, or by landing at Monday's Point, effect a junction with you by the Gloucester side, and be thereby obliged to try James-river.

First,

First, To land at Newport News, and the troops to advance from thence on the James-river road, to some favourable position in communication with that river, where you are to wait until we hear from your Lordship or circumstances may make it proper for us to co-operate with you in effecting a junction of the two armies, which we at present think will be best done without your lines, in preference to an attempt of doing it within, for reasons we think obvious.

"Second, To attempt a junction with you by a combined move; we moving up James-river to James-town, and your Lordship up the York-river to either Queen's Creek or Cappaohack Ferry, and effect a junction as near Williamsburgh as we can, thereby putting ourselves in a station to attack the enemy, should it be thought advisable.

"Third, To save as great a part as possible of your Lordship's corps, by bringing them off to James-town, and a naval force will be ready to protect them. This, we think, may be done by our giving jealousy to the enemy, from Newport News or Mulberry Island, whilst your Lordship moving up the river with as many troops as your boats will carry, or marching up the Gloucester side, crosses the river, and lands either at Queen's Creek or Cappaohack, and makes the best of your way to James-town.

"The above is our opinion of what is best to be done, in case we do not hear from your Lordship, but should we receive other ideas from you, we shall of course be governed by them.

"By this your Lordship will perceive our wishes are to effect the junction first by York, next by Gloucester; and in case either of those are absolutely impracticable by the James-river, first landing at Newport News, and taking a position ready to co-operate with your Lordship, in case you should recommend a combined effort, to effect a junction that way; or to endeavour to effect it near Williamsburgh, the two armies moving up the James and York-rivers about the same time, we landing at James town, and your Lordship where you judge best. And when our junction is formed, bring on a general action with the enemy, should that on consultation be thought advisable. But in case all these should fail, our last object will be to save as many of your Lordship's troops as we can, and leave the post at York afterwards to make the best terms they can for themselves.

"The *Torbay* and *Prince William* having arrived on the 11th, our fleet at present consists of 25 sail of the line and two frigates, with a large number of frigates. They are now ready, and I expect we shall certainly sail in a day or two.

"I have the honour, to be, &c."

(Signed) "H. CLINTON."

P. S. October 15, Had the wind been fair to day, the fleet would have fallen down to the Hook; but I expect the whole will sail to-morrow.

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated York-town, Virginia, 12 M. 5 P. M. October 11th, 1781.

"SIR,

"Cochran arrived yesterday; I have only to repeat what I said in my letter of the 3d, that nothing but a direct move to York-river, which includes a successful naval action, can save me. The enemy made their first parallel on the right of the 6th, at the distance of 600 yards and perfected it,

and constructed places of arms and batteries with great regularity and caution. On the evening of the 9th, their batteries opened, and have since continued firing without intermission, with about 40 pieces of cannon, mostly heavy, and 16 mortars, from 8 to 16 inches. We have lost about 70 men; and many of our works are considerably damaged. With such works, on disadvantageous ground, against so powerful an attack, we cannot hope to make a long resistance.

"I have the Honour to be, &c.

(Signed)

"CORNWALLIS."

P. S. Five P. M. since the above was written, we have lost thirty men.

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated New-York, December 2d, 1781.

"S I R,

"Yesterday afternoon I was honoured with your Excellency's letter, dated the 30th November.

"I do not recollect that any conversation passed between us, the other day, before the publication of my letter, relative to my taking possession of the posts of York and Gloucester. But in my answer to your dispatches, dated the 8th and 11th of July, directing me to positively to possess a harbour in the Chesapeake, for line of battle ships, your Excellency will see, that after finding that works on Point Comfort could not protect a naval force in Hampton Road, I thought that I acted in strict obedience to your orders, by taking possession of those posts. I thought it unnecessary to enter into a minute detail of the disadvantages of the ground, either on my first examination of it in the month of June, or on my return to it in August: because, on the first occasion, as I have already had the honour of explaining to your Excellency, I did not, after seeing it, entertain for a moment an idea of occupying it, not thinking myself at liberty by the instructions, under which I then acted, to detain the greatest part of the force in Virginia, for the purpose of securing a harbour for ships of the line; and, on my return to it in August, I thought it then became my duty to make the best of it I could, having no other harbour to propose in its place.

"In regard to the promise of the exertions of the navy, previous to your letter of the 24th of September, I can only repeat what I had the honour of saying to your Excellency, in the conversation to which you allude, that, without any particular engagement for the navy before that date, all your letters held out uniformly hopes of relief, and that I had no reason from any of them to suppose that you had lost sight of the possibility of effecting it; and that under those hopes, after serious reflection, I did not think that it would have been justifiable in me to abandon those posts with our numerous sick, artillery, stores, and shipping, or to risk an action, which, in all probability, would, in its consequences, have precipitated the loss of them.

"My letter from York, dated the 20th October, was written under great agitation of mind, and in great hurry, being constantly interrupted by numbers of people coming in upon business or ceremony; but my intention in that letter was to explain the motives that influenced my own conduct, and to narrate the incidents that preceded the extremity, that forced us to surrender.

I have the honour to be, &c.

(Signed)

"CORNWALLIS."

PAPERS

P A P E R S from the A D M I R A L T Y.

Substance of intelligence transmitted by Mr. Stephens to Sir Geo. B. Rodney, in his Letter, dated 4th May, 1781.

“ Monsieur de Grasse is certainly gone to Martinique, and will not go to America till July, or perhaps August.

“ The troops and transports intended for Rhode Island, having been deprived of the convoy of the *Sagittaire*, have gone to Martinique with *Monf. de Grasse*, from whence they will sail in July, with a part of his fleet, about 10 or 12 ships of the line.

“ The rest of *Monf. De Grasse's* fleet will convoy the merchantmen ready for Europe, in July or August.

Extract of a Letter from Vice Admiral Arbuthnot to Mr. Stephens, dated off Sandy-Hook, 4th July, 1781.

[Received August 2.]

“ By the *Garland*, which returned from the Leeward Islands on the 10th ultimo, I had the honour of advices from Admiral Sir George Rodney, of the arrival there of the Count de Grasse, and the French armament under his command, and of assurances, that in case any part of that force should make for North America, that a detachment from his squadron should immediately follow it. I was therefore induced to continue with the squadron off the *Neversink*, by which I was enabled to keep up my water and provisions from New-York, and at the same time maintain an effectual check on the operations of the enemy at Rhode Island, should they have undertaken any enterprize in favour of the Rebels.

“ The rumours that had been abroad for a considerable time past, that a reinforcement of troops was daily expected from France, induced me to send a squadron into Boston Bay of superior force; as the enemy's guard was reported to be only two frigates.

“ On the 11th the *Charon* returned from Virginia, with the empty transports which had landed the troops there, but in consequence of a requisition from General Sir Henry Clinton, she sail'd again on the 24th with the Loyalists, having under her escort supplies for Lord Cornwallis in Virginia, and transports to bring back a part of the troops under his Lordship's command to New-York.

“ In this time I had frequent intelligence from Rhode Island, of the intentions of the enemy. The maintenance of the French Garrison there, preventing their affording material aid to the cause of rebellion. It was to have been evacuated in June, and the forces which constituted its defence were to have joined Washington, the low state of whose army and the destruction of all the resources for its support, had determined once again to meditate an attempt against New-York. This object of his efforts, certainly great in itself, had a secondary one, that of influencing Sir Henry Clinton to withdraw a part of the southern army for the defence of the capital. And the French squadron not being thought secure unless protected by their army, was then to have taken refuge in Boston, unless it had been

reinforced, and enabled to act with a decided superiority; however an express from the Count de Grasse in the West Indies, has entirely deranged this plan; the Count de Barras at present commanding it, being directed to continue at Rhode Island, until he shall see or hear farther from that office, and the greatest part of the French troops of course remain with him for its defence.

Extract of a Letter from Rear Admiral Graves to Mr. Stephens, dated Sandy-Hook, 20th July, 1781.

[Received the 10th September.]

"The Squadron has been kept constantly before the Hook, to second any army operations which the General had to suggest; it will not be prudent to keep them much longer in so exposed a situation, as the time approaches which will make it necessary to attend to the appearance of squadrons which the hurricane season may occasion to depart from the West Indies. I shall put them into safety the moment the army detachments have done moving upon the coast.

Extract of a Letter from Rear Admiral Sir Samuel Hood to Mr. Stephens, dated on board the Barfleur, off Sandy-Hook, the 30th of August 1781, inclosing a Paper of Intelligence, dated 31st July, marked No. 1.

[Received 30th November.]

"I beg you will acquaint the Lords Commissioners of the Admiralty, that Admiral Sir George Rodney sailed from St. Eustatius on the 1st of this month, with the Gibraltar, Triumph, Panther, Boreas, and two bombs, with the trade for England, having the day before given up the command of his Majesty's fleet at the Leeward Islands to me. On that evening I received the intelligence, No. 1.

"Early next morning the 4th instant, I spoke with an armed brig, from New-York, with dispatches from Sir Henry Clinton, and Rear Admiral Graves, addressed to Sir George Rodney, of which No. 4, is a copy—I sent the armed brig into Nevis Road, to complete her water, and then to proceed to St. John's Road. On the 6th she joined me, and without waiting an hour, pushed away on her return to New-York, with my answers * to the letters she brought.

"Having embarked the 40th regiment on board his Majesty's Squadron under my command, at the desire of Brigadier-General Christie, to whom Sir Henry Clinton's messenger delivered the dispatches he was charged with for General Vaughan, I put to sea on the 10th, at dawn of day not caring to wait for the St. Lucia ships, lest the enemy should get to America before me, but as I was running out, Mr. Drake appeared with four ships of the line, being certain the French had no ship larger than a frigate at Martinique, and without delaying a moment, I pushed on as fast as possible. On the 25th, I made the land a little to the southward of Cape Henry, and thence dispatched a frigate with the letter No. 9, to Rear Admiral Graves, and

* No copies of these answers were inclosed.

and finding no enemy had appeared, either in the Chesapeak or Delaware, I proceeded off Sandy-Hook. On the 28th, in the Morning, I received the letter No. 10, in answer, and foreseeing great delay and inconvenience might arise from going within the Hook with the Squadron under my command, I got into my boat, and met Mr. Graves and Sir Henry Clinton on Long-Island, who were deliberating upon a plan of destroying the ships at Rhode-Island. This was an additional argument in support of my opinion against my going within the Hook, as the Equinox was so near at hand, and I humbly submitted the necessity which struck me very forcibly, of such of Rear-Admiral Graves's Squadron as were ready, coming without the Bar immediately, whether to attend Sir Henry Clinton to Rhode-Island, or to look for the enemy at sea. My idea was acquiesced in, and Mr. Graves said his ships should be out the next day, but for want of wind, they are still within the Hook.

N. B. The above-mentioned Papers, marked 4, 9, and 10, were laid before the House the 18th instant, numbered in the Schedule 47, 51, and 52.

Copy of a Paper of Intelligence, dated 31st July 1781, and transmitted by Sir Samuel Hood to Mr. Stephens, dated Sandy-Hook, 30th August, 1781.

" July 31st, 1781. By intelligence this day received, a French frigate arrived about the middle of the month at the Cape, with thirty pilots for the Chesapeak and Delaware, which together with a number of North-Americans collected there, and waiting convoy to sixty in number, made it looked on as certain, that the French fleet which was hourly expected there from Martinico would proceed immediately to America.

Extract of a Letter from Sir George Bridges Rodney, Bart. to Mr. Stephens, dated in Cork-Harbour, 17th Sept. 1782.

" You will please to acquaint their Lordships, that the extreme bad state of health, which to my great concern prevented my proceeding with the fleet under my command to North America, in order to defeat the designs of the public enemy, was such, as obliged me to avail myself of his Majesty's royal consent, and their Lordship's permission, to return to England during the hurricane months.

" Their Lordships may easily conclude what a mind like mine, warmed with the utmost gratitude and duty to my Sovereign, and the strongest affection to my country, must have experienced, when upon the moment of proceeding to America with a force sufficient to curb or defeat the designs of his enemies, to be deprived of that honour, by a sickness which reduced me so much, as to render me incapable of taking charge of the fleet destined for that service, and which, if detained till my recovery, (of which there was no speedy probability, unless I removed with the utmost dispatch to an European climate) the enemy might have availed themselves of their superiority on the coast of America, to the infinite detriment of his Majesty's service.

" I there-

" I therefore ordered Rear-admiral Sir Samuel Hood to proceed without loss of time with fifteen sail of the line and five frigates to the coast of America, in order to arrive on that coast before the French squadron from Cape François. I sent expresses to the commander of his Majesty's ships on that station to join him at the appointed rendezvous, as likewise to the commanding officer at Jamaica, to detach his line of battle ships to the same station. As the enemy's most sanguine expectations were the hopes of succeeding in their enterprize intended against America, which I was determined to disappoint by the speedy junction of such great force of his Majesty's fleet; in my opinion, such as to be capable of defeating the enemy and all their designs, which I have not the least doubt will be the consequence.

" On the 1st of August I sailed from St. Eustatius with the whole trade of Barbadoes and his Majesty's Leeward-islands, consisting of 150 sail, under the protection of the Triumph of seventy-four guns, the Panther of sixty guns, the Boreas of twenty-eight, and the Ætna and Carcass bombs. I kept company with the said convoy till they arrived in the latitude of Bermudas, when my mind, being still bent (notwithstanding the advice of the physicians to the contrary) to proceed if possible to America, I was determined to try whether a few degrees to the north would brace me sufficient to do my duty; having before dispatched Captain Stanhope with the Pegasus, with six sail of victuallers to New-York, with letters to the Commander in Chief on that station, acquainting him with the destination of Sir Samuel Hood, and the squadron under his command, and recommending it to him to make a speedy junction of the squadron, that they might be in a condition to give the enemy a proper reception on their arrival on that coast."

Extract of a Letter from Rear-admiral Graves to Mr. Stephens, dated in the North-river, New-York, 13th Oct. 1781.

" I am afraid that in the hurry of more important business, the account of captured ships brought into the service and commissioned has not been so regular and full as it ought to have been, I will therefore trouble you with this detail, though it may be a recapitulation.

" In my letter of the 20th of August their Lordships were acquainted with the distressed state of the Swift brigantine sloop of war, which has since been condemned as totally unfit for service; at the same time the Avenger and Keppel, both sloops of war, were found to be so much decayed as to be kept above water only by doubling their bottoms: I therefore ordered to be purchased the Rattle-snake American privateer ship of eighteen guns four-pounders, prize to the Amphitrite, of 200 tons burthen, a very complete vessel, almost new, and requiring nothing more than to secure her magazine and build store-rooms.

" At this time the Belisarius privateer ship, of twenty nine-pounders and four small guns, was brought in by the Medea and Amphitrite. It was her first cruise; she was remarkably well constructed, and quite new, of 500 tons, and thought to be the most complete vessel ever taken from the Americans; I therefore purchased her, and put her upon the establishment of a twenty-four gun ship, that she might not be bought by American agents, and act against us in a short time.

" The

"The Swallow sloop of war being burned, and the Rover sloop of war wrecked, in the month of August, I ordered the Aurora American ship privateer of eighteen six-pounders, prize to the Royal Oak, to be purchased, as she was a well built vessel, of exceeding good dimensions, large, and esteemed to sail remarkably fast, of 300 tons burthen, and put her upon the sloop establishment, and called her the Mentor.

"The 24th Sept. a council of war of general and flag officers, determining that three fire-ships should be added to the fleet then refitting to go against the enemy, the Elizabeth, Empress of Russia, and Loyal Club, were chosen from amongst the transports for that service, and commissioned by the names of the Lucifer, Oceanus, and Conflagration."

A List of Frigates and Cruizers employed before the Port of Brest to watch the Motions of the Enemy's Ships there, from the 1st of Jan. 1779, to the 1st of Jan. 1781. Specifying the Number of Ships and Frigates, and Dates when so employed.

<i>Dates of their Orders.</i>			<i>Names of Ships and Frigates.</i>
March 23, 1781,	—	.	Lively sloop.
		—	Cruizer cutter.
May 5,	—	—	Lively sloop.
30,	—	—	Ditto.
Dec. 22,	—	—	*Arethusa.

"The vessels afore-mentioned were not furnished with orders to give Vice-admiral Darby any information of Mons. De Grasse's sailing whilst he lay off the coast of Ireland.

"N. B. Exclusive of the cruizers sent from England it has been understood to be part of the duty of commander in chief of the western squadron from time to time to look into the port of Brest, or to send ships and vessels upon that service, when intelligence of their motions was wanted."

[On the day that the clerk of the House read the preceding papers, Lord Townshend got up, and asked why four particular letters from Lord Cornwallis to Sir Henry Clinton, which his Lordship said were essentially necessary on the present business, were not laid upon their Lordships' table? Lord Stormont answered, that the letters alluded to were not in his possession.— Lord Townshend again said, that they were essentially necessary, and he did not think that a right or fair judgment could be formed without them. Lord Stormont again declared, that he was totally ignorant of them.]

The following are authentic Copies of the Letters alluded to:

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, K. B. dated Portsmouth, Virginia, July 24th, 1781,

"S I R,

"I find by your Excellency's letter of the 29th of May, delivered to me by Lt. Col. M'Pherson, on the 12th of this month, that neither my march from Cross-Creek to Wilmington, or from thence to Petersburg, meets with
your

your approbation. The move from Cross-Creek to Wilmington was absolutely necessary; such was the situation and distress of the troops, and so great were the sufferings of the sick and wounded, that I had no option left; I tried many methods of informing Lord Rawdon of it, but they all failed. I had left such a force in South Carolina, that if Lord Rawdon could have had timely notice of the probability of General Greene's moving towards that province, and could have called in Lieut. Col. Watson, General Greene would not have ventured to have placed himself before Camden.

"On the 22d of April, I received a dispatch from Lt. Col. Balfour, inclosing a letter from Lord Rawdon, of the 13th, apprising him of General Greene's approach, and saying that he could not hope to get Lt. Col. Watson to him in time, and that he had then at least fifteen days provision. The fate of the garrison of Camden must have been decided before I could have hoped to have reached the Pedee or Waggamaw; I had then no certainty of being able to get vessels in time to assist in passing the latter; from Wilmington to Waggamaw is a perfect desert; and indeed, in all that low country, it is impossible to subsist in the summer, for want of water to turn the mills.

"Had a misfortune happened to Lord Rawdon's corps, I knew that the whole country, east of Santée and Pedee, would be in arms against us, I therefore did not think, that I could with about 1300 infantry and 200 cavalry undertake such a march, and the passage of two such rivers as the Pedee and Santée, without exposing the corps under my command to the utmost hazard of disgrace and ruin; if, on the contrary, Lord Rawdon should have effected his retreat from Camden, and have assembled his whole force west of Santée, I was convinced that General Greene could do no effectual mischief, but over-running the back country, which I should arrive too late to prevent; and which different corps of the rebels have constantly done ever since the first battle of Camden, exclusive only of the ground on which our forts were constructed; I should therefore have carried back my army to South Carolina, giving every advantage to General Greene's movement, in order to commence a defensive war on the frontiers of that province, which I have long since declared to be, in my opinion, impracticable, against the rebellious inhabitants, supported by a Continental army. In the measure which I pursued, I neither risked my own corps or Major-General Phillips's, being determined to return to Wilmington from Halifax, unless I heard from that officer that I could join him with safety; the great quantity of provisions which I was credibly informed I should find at Halifax, would easily enable me to return. Major-General Phillips could be in no danger, as I had written expressly to him to take no measures in consequence of my letter, that could expose his corps to hazard; and indeed I cannot help observing, that in this instance, your excellency seems to think the force of Virginia more formidable than you have done on some other occasions. With the warmest zeal for the service of my King and country, I am conscious that my judgment is liable to error: perhaps, in the difficult situation I was in at Wilmington, the measure which I adopted was not the best; but I have at least the satisfaction to find, by the intercepted letters of the 14th of May, from General Greene to Baron Steuben, that it was not agreeable to his wishes that I came into Virginia."

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, K. B. dated August 16th, 1781.

“SIR,

“I received your cyphered letter of the 11th instant, by the runner. I did not imagine that my letter of the 26th July would have given your Excellency reason to be so sanguine as to hope that by this time, any detachment could have been made from hence. The evacuation of Portsmouth has employed one engineer, and a number of labourers and artificers, and with every exertion by land and water I do not expect that business to be completed before the 21st or 22d instant. Since our arrival we have bestowed our whole labour on the Gloucester side, but I do not think the works there (after great fatigue to the troops) are at present, or will be for some time to come, safe against a coup de main, with less than 1000 men. After our experience of the labour and difficulty of constructing works: at this season of the year, and the plan for fortifying this side, not being entirely settled, I cannot at present say whether I can spare any troops; or if any, how soon: but when the garrison of Portsmouth arrives, and the engineer's plan is completed, I shall apply to Captain Hudson for a frigate to carry my report of the state of things here, and to bring your Excellency's commands upon it. I have received your Excellency's dispatches of the 15th and 26th ultimo, which I shall answer by the first safe opportunity. I beg that your Excellency will be pleased to order it to be notified at the post of New-York, that Portsmouth is evacuated, to prevent vessels from going into that harbour.”

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated York-Town, Virginia, 20th August, 1781.

“SIR,

“I have been honoured with your Excellency's dispatches of the 15th and 26th ultimo.

“I beg leave to assure your Excellency, that before I resolved to pass James-river to enable me to comply with your requisition of troops, I had very maturely considered the general tenor of your dispatches to General Phillips, as well as those to me of the 11th and 15th of June, delivered on the 26th, by Ensign Amiel, and when I decided upon that measure, I sufficiently felt how mortifying it was to me personally, and how much the reputation of his Majesty's arms would suffer by it in this province.

“But your Excellency was pleased to give me to understand, in your dispatch of the 11th, that you wished to concentrate your force, being threatened with an attack at New-York, by General Washington, with 20,000 men at least, besides an expected French reinforcement, and the numerous militia of the five neighbouring provinces; and in your dispatch of the 15th, supposing that I had not thought it expedient to engage in operations in the upper Chesapeake, and that those I had undertaken in this province would be finished, you require, that part of the troops mentioned in a list contained in a former dispatch, should be embarked to be sent to New-York, with all possible dispatch; notifying to me at the same time, that you would in proper time solicit the Admiral to send more transports to the Chesapeake, in which you desired that I would send the remaining troops, that I judged could be

spared from the defence of the posts I might occupy, as you did not think it advisable to leave more troops in this unhealthy climate, at this season of the year, than what were absolutely wanted for a defensive, and desultory water excursions.

“ My own operations being finished, and being of opinion, that with the force under my command, and circumstanced as I was in a variety of respects, it would have been highly inconsiderate in me, and dangerous for the King’s service, to engage in operations in the Upper Chesapeake, I thought it incumbent upon me to take effectual measures, to enable me to obey so explicit an order without loss of time. To this end, as I could not discover in your instructions to General Phillips, or in your paper containing substance of private conversations with him, or in your dispatches to me, any earnestness for immediately securing a harbour for line of battle ships, I thought myself under the necessity of being content with the post at Portsmouth, such as it was; for I did not imagine myself at liberty to exercise any discretionary power, by changing that post for another, which I knew would have required so great a part of the troops under my command, for many weeks, for the purposes of covering, subsisting and fortifying it, that any offensive or defensive plans of yours, which depended upon material reinforcement from hence, might thereby have been totally frustrated. My resolution to pass James-River was just executed when I received your dispatch of the 28th of June, ordering the expedition for the attempt upon ————. That order being likewise positive, unless I was engaged in any important move of my own, or in operations in the Upper Chesapeake, I felt a particular satisfaction, that my decision on your first order had enabled me to comply so expeditiously with this, and I own, that instead of blame, I hoped to have merited approbation.— I was clearly convinced, when I received these orders, and I cannot yet see any cause to alter my opinion, that having a sufficient force remaining for a defensive in the post that I had resolved to occupy, and for desultory water expeditions, if I had detained the troops required and specified in your 1st, for any other reason than that of being engaged in an important move of my own, or in operations in the Upper Chesapeake; and if, in the mean time, a misfortune had happened at New-York, or you had been disappointed of any material object at ————, my conduct would have been highly and deservedly censured. But I acknowledge, I never apprehended, even although it might afterwards appear, that the danger at New-York was not imminent, nor the attempt upon ———— expedient, that I should be subject to blame for passing James-River; a step rendered indispensibly necessary by an obedience of your orders, and for the safety of the troops remaining under my command.

“ Your Excellency, after mentioning your intention of re-commencing operation in the Chesapeake, about the beginning of October, is pleased to say, that you will then determine whether you will act in Virginia, according to my plan, or in the Upper Chesapeake, according to your own.

“ It is true that it is my opinion, that while we keep a naval superiority, Virginia is, by its navigable rivers, extremely accessible; and that if we have force to accomplish it, the reduction of the province would be of great advantage to England, on account of the value of its trade, the blow that it would be to the rebels, and as it would contribute to the reduction and quiet of the Carolinas.

Carolinas. But in my subordinate situation, being unacquainted with the instructions of Administration, ignorant of the force at your command, from other services, and without the power of making the necessary arrangements for execution, I can only offer my opinions for consideration, certainly not as plans; I am thoroughly sensible, that plans, which essentially affect the general conduct of the war, can only come from your Excellency, as being in possession of the requisite materials for framing them, and of the power of arranging the means for their execution. But whatever plan you may think proper to adopt for operations in the Chesapeake, I shall be most sincerely concerned, if your Excellency should be so circumstanced, as not to be able to undertake the execution of it in person; for the event must be of great importance to our country, and not only the military operations would be best directed by your superior abilities, but your weight and authority, as commissioner, might have the happiest effects in the civil and political regulation of the country; without which, military success would not be attended with solid consequences. However, if your Excellency should find it necessary to direct me to undertake the execution of any plan, that may be fixed upon by you, I shall make the best use in my power of the force put under my command; but as my acting differently from your ideas or wishes, might in many instances be attended with great detriment to the King's service, I shall, if employed, hope to be honoured with explicit instructions from your Excellency on all points that will admit of them.

"I shall by the first opportunity acquaint General Leslie, that if he can spare troops from the service in South Carolina, you wish them to be sent to New-York; but being ignorant of the present state of affairs, and knowing well, since the surrender of Charles Town, the seasons of the year have not occasioned military inactivity in that quarter, I cannot judge whether your Excellency may expect any reinforcement from thence.

"As there appears to be little chance of co-operation from hence with the troops in that province, and as my communication with it is extremely precarious, I submit it to your Excellency's consideration, whether it would not be most expedient to transmit your commands, relating to the affairs of that country, directly to General Leslie,

I have the honor to be, &c.

(Signed) CORNWALLIS."

Copy of a Letter from Earl Cornwallis to Sir Henry Clinton, dated York-Town, Virginia, August 22d, 1784.

"S I R,

"Portsmouth having been completely evacuated without any interruption from the enemy, General O'Hara arrived here this day with the stores and troops; and a great number of refugees have accompanied him from the counties of Norfolk, Suffolk, and Princess Ann.

"The engineer has finished his survey and examination of this place, and has proposed his plan for fortifying it, which appearing judicious, I have approved of, and directed to be executed.

"The works at Gloucester are now in such forwardness, that a smaller detachment than the present garrison would be in safety against a sudden attack.

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But I make no alteration there, as I cannot hope that the labour of the whole will compleat that post in less than five or six weeks.

“ My experience there of the fatigue and difficulty of constructing works in this warm season, convinces me, that all the labour that the troops here will be capable of, without ruining their health, will be required for at least six weeks, to put the intended works at this place in a tolerable state of defence; and as your Excellency has been pleased to communicate to me your intention of re-commencing operation in the Chesapeak, about the beginning of October, I will not venture to take any step that might retard the establishing of this post; but I request, that your Excellency will be pleased to decide, whether it is more important for your plans, that a detachment of a thousand or twelve hundred, which I think I can spare from every other purpose but that of labour, should be sent to you from hence, or that the whole of the troops here should continue to be employed in expediting the works.

“ My last accounts of the enemy were, that the Marquis De la Fayette was encamped in the Fork of the Pamunky and Metapony, with his own detachment of continentals, a considerable body of eighteen-months men, and two brigades of militia, under Stevens and Lawson; that he had armed 400 of the 700 Virginian prisoners lately arrived from Charles-Town, and expected to be joined in a short time by General Smallwood, with 700 eighteen months men, from Maryland; and that Generals Wayne and Morgan having returned from the other side of James-River, were likewise on their march to join him.

“ There being only four eighteen, and one twenty-four pounder here, more heavy guns will be wanted; and we are likewise in want of many other artillery and engineer's stores; the returns of which I take the liberty to inclose.

“ It is proper to mention to your Excellency, that you may make your arrangements accordingly, that there are only about 600 stand of spare arms in the Chesapeak, and that our consumption of provisions is considerably increased, by a number of refugees lately come to us, and by negroes, that are employed in different branches of the public service.”

Substance of the Earl of Effingham's speech, on the 4th of February, 1782; which was omitted in its proper place (page 100) by accident. His Lordship* concluded the debate.

My Lords,

I did not imagine I should have troubled your Lordships Ear of Effingham. again on any American question; that subject I relinquished, as soon as the fate of the last motion I made in this House was determined. But I consider the present motion, as rather tending to clear my country of an aspersion, which, if submitted to, would render it odious to the whole civilized world; than a mere question concerning the particular transaction which gave rise to it. This idea, whether right or wrong, will be productive of one advantage to your Lordships, by making me confine myself solely to the subject of debate, and not again go over a ground so often trod before; on which, though my feelings are as anxious as ever, yet a debate must have become as irksome to your Lordships, as I fear it would, at present, be nugatory.

My Lords, I should have had nothing to add to what the noble Duke stated, when he opened the business, but from the information I have received from the very Lords who oppose the motion.

When his Grace began, he very candidly told the House, that he had no other grounds than a letter he had received from a Mr. Bowman, stating that * an American officer, of high rank, had been put to death, with some circumstances of wantonness and cruelty, without having been heard in his defence, contrary to all law, and even humanity. His Grace stated, that all might be false; but he contended that it was our duty to detect the falsehood of such an injurious report, that the world might see, we could not bear the suspicion of being such barbarians; or if, on enquiry, it should unhappily be found true, we ought, in vindication of the national honour, to trace out, and punish the authors of such an outrage.

This reasoning would have been sufficiently conclusive to me, for establishing the propriety of his Grace's motion, for the papers therein called for; unless any of the King's ministers had officially declared the rumour of the transaction false; but judge, my Lords, of my surprise, when I found

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all the arguments made use of to put off the enquiry, directly tending to prove the truth of the report, with all the horrid circumstances attending it.

The first noble Lord * who opposed the motion, told your Lordships, that Mr. Bowman was at New-York, at the time of the transaction: from hence we are to understand, that Mr. Bowman is not only a person sufficiently worthy the noble Lord's attention, to make him take notice of his goings and comings, but also, we are informed that his Lordship knows the fact of Col. Hayne's execution, and of the time when it happened.

Another circumstance, of some importance, we are indebted for the knowledge of, to the learned Lord on the woolfack; that is to say, that Mr. Bowman (who, by the bye, appears to be a person well known to his Lordship also) took his account from the Philadelphia newspaper: this circumstance might, at first sight, invalidate the strength of Mr. Bowman's evidence; but, if attended to at all, will wonderfully confirm the fact in question; for in the first place, the learned Lord must have compared that paper with Bowman's account. In the next place, we see in Bowman's account, that Col. Hayne, when he found his murder resolved on, desired an account to be transmitted to the Delegates of the province. Thirdly, we all know that Congress have usually printed in the Philadelphia Gazette, whatever accounts they thought proper to give to the public. And lastly, nothing is more likely than for a person at New-York to conclude that, whether an account so conveyed was in reality true or false, it would be sure to find credit in so many parts of Europe, as to make it a matter of consequence to us, to prevent the nation from being stigmatized, as a people wholly regardless of the rights of humanity, and the rules of civilized countries. In this light I cannot help applauding Mr. Bowman, for having sent the earliest account he could, to so many persons of rank and character, as he now appears to have done, and thinking the enquiry highly requisite. A circumstance, which I think your Lordships must deem of still greater consequence, has been communicated by a * noble Lord, who professedly rose to defend his relation, and to acquaint your Lordships with some matters, which he deemed fit for your Lordships to be acquainted

* Lord Walsingham. † Lord Huntingdon.

acquainted with. The sum of his Lordship's information has been, that the country alluded to was under martial law; that this same martial law, vested prodigious authority in the commanding officers, and that the usual administration of this martial law had been of the most easy and compendious kind, having had no other rule to confine it, than the appointing a court of enquiry, consisting of three officers of the Provincial Loyalists, who looked over the prisoners at any time brought in by the King's forces; and whoever was, by this new-contrived court, declared to have broken parole, was immediately ordered for execution. My Lords, I have heard it reckoned a curiosity in Denmark, that they one possessed a code of laws in one octavo volume: with what humiliation must that, and all other countries submit to the wisdom of this new system of jurisprudence, wherein the whole body of this municipal law, might be written in the compass of a silver penny.

My Lords, I do not know that any one attacked the character of Lord Rawdon; on the contrary, I am myself persuaded, that if the papers moved for, should shew he had any hand in the transaction, they will at the same time shew, he acted not so much according to his own judgment, as to his orders.

Much has been said of the character of Col. Hayne, as if he had deserved whatever punishment had been inflicted on him. Now, my Lords, I shall only contend, that if Col. Hayne had been the worst man that ever lived, still he should be proved guilty of some specific crime, before he is put to death: and we ought to remember, in justice to him, that, notwithstanding he has been painted in such dark colours this day, yet one virtue, at least, was allowed him, by our commanders in America, that of humanity. I wish he had had the opportunity to have returned the compliment.

If this improvement upon the *jus gentium* had rested solely on the authority of the noble Lord, I should have left it to refute itself, as I think it would have done, by its manifest repugnancy to the common rights of mankind, and the consideration of the noble Lord's being under no particular professional obligation to render himself master of the subject. But in the present case, two of his Majesty's ministers * have stepped forth, and laid down some doctrines, so contrary to what I take for truth, that I feel myself under an obligation to make some observations upon them.

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The

* Lord Chancellor and Lord Stormont.

The noble Lord in the green ribbon has asserted, that it is a known rule, that a prisoner of war, having broken his parole, has thereby forfeited his life; and is to be executed like a spy, without any other form than what may suffice to identify his person. This I will venture to deny ever to have been laid down in any book of authority, or ever practised in civilized countries. The learned Lord, indeed, in confirming this doctrine, has quoted Grotius; I wish his Lordship had been more explicit; for it is with great diffidence I can oppose my knowledge of Grotius to his Lordship; and yet I am clear that Grotius never wrote one word about prisoners on parole: he never heard of such a thing. It is a very modern civility, introduced into some countries only. And it is more resembling what we call bail, than any thing else: and whoever runs away from it may be more closely confined; but not put to death, by any rule I ever heard.

Another circumstance I must mention, is, that the learned Lord has, I dare say without any design to mislead, drawn a comparison between the situation of an officer breaking his parole and a spy.

My Lords, the cases are totally unlike. A spy is one who enters any works, or posts, in a pretended character, which entitles him to protection; and thus most essentially differs from an officer coming in his own character, with any hostile design whatever. That spies are allowed to be hanged with very little ceremony, is very true; but still they are heard in their own defence, and what, between humanity and policy, do oftener escape death than if formally tried by a court martial.

Another material mistake of the learned Lord's is, that if Col. Hayne had been proceeded against, as having taken the oaths of allegiance, there was no court could try him: but I think the law is otherwise; for I imagine his Lordship must himself have put the great seal to a commission, enabling the Governor of Gibraltar to try every crime by a court martial which might here be tried at the Old Bailey: and the mutiny act expressly declares, that where no civil jurisdiction is established, all crimes are to be tried by a court martial.

What particular authority, as to the holding court martial, and approving their sentence, may be vested in any particular officers in America, I know not; and that is the very reason I wish to have the papers now moved for, brought before the House.

The rumour on which the motion was founded, has been so confirmed, in most of its circumstances, by the ministers themselves, as to justify me in pronouncing the proceeding in question, very indecent and irregular, and of a dangerous tendency to the interests of my country.

For this reason, I wish an enquiry into the fact, and its promoters; I most heartily give, therefore, my vote for the motion, and hope a sufficient number of your Lordships will be of the same opinion. Non contents, 73; contents, 25.

February 12. -

No debate. Adjourned to the 15th.

February 15.

Private business. Adjourned to the 18th,

February 18.

The Marquis of Carmarthen rose to make a motion, respecting the creation of Lord George Germain, a peer of that House. The Marquis began with saying, that no gentleman could be more anxious to preserve the prerogative of the Crown, than himself; yet, he must entreat their Lordships to consider, that the honour and purity of the House, were all that served to convey to the world in general, that idea of weight, importance, and dignity, which they had hitherto held, and which he heartily hoped, their Lordships would ever continue to preserve in the eyes of all mankind.

Marquis of
Carmarthen

From the noble Lord, who was the object of his motion, he was ready to acknowledge, he had received civilities, while he was himself about the Court, in a particular situation, (although he had never lived with him on terms of very great intimacy). He should now proceed to state a motion, tending to censure those of his Majesty's ministers, who had so far forgot their necessary respect for the dignity of that House, and all consideration of what was due to the military, and to the public opinion, as to advise his Majesty to confer a peerage, and seat in that House, on a person labouring under so heavy and so severe a stigma, as that contained in the sentence of the court-martial, and the orders issued thereupon, which now stood in full force against the unfortunate nobleman in question. His Lordship said, he took the matter up entirely upon the sentence of the court-martial, the notoriety of which, and of the orders that were at this moment inserted in every orderly book of every regiment of the army in Great Britain, warranted him in proceeding

ceeding to consider, both the one and the other, as authentic. Had we no farther use for the military, that so shameful an instance of relaxation of all discipline, and the abandonment of all example, was to be put in practice, in the face of the whole world? Was not the very opposite the fact, surrounded on all sides by enemies, dangerously powerful and numerous, as they were, did their Lordships, in their consciences, think it politic or expedient, just at this moment, to set so alarming a precedent, of the relaxation of all military discipline, to the whole army? Did they imagine our officers would serve better for the remainder of the war, from such a measure? He could not, for his part, help expressing his astonishment at the noble Lord's own conduct, in accepting the honours of a peerage, considering the particular circumstances that he stood in, at the moment of his being called up to that dignity.—His Lordship said, he would trouble the House no farther just then, but would proceed to make his motion. His Lordship moved, “That it is highly reprehensible in any person, to advise the Crown to exercise its indisputable right of creating a peer, in favour of a person, labouring under the heavy censure of a court-martial, viz.

“This Court upon due consideration of the whole matter before them, is of opinion, that Lord George Sackville is guilty of having disobeyed the orders of Prince Ferdinand of Brunswick, whom he was by his commission and instructions directed to obey, as Commander in Chief, according to the rules of war: and it is the farther opinion of this Court, that the said Lord George Sackville is, and he is hereby adjudged unfit to serve his Majesty in any military capacity whatever.”

Which sentence his Majesty has been pleased to confirm.

And public orders given out in consequence thereof.

“It is his Majesty's pleasure, that the above sentence be given out in public orders, that officers, being convinced that neither high birth, nor great employments, can shelter offences of such a nature; and, that seeing they are subject to censures much worse than death to a man who has any sense of honour, they may avoid the fatal consequence arising from disobedience of orders.”

Lord

Abington.

Lord *Abington* rose, as soon as the Lord Chancellor had read the motion, and addressed the House in the following words: My Lords, the noble Lord in my eye, * who is so fully informed upon every subject, and who never speaks
without

* Lord Shelburne;

without giving new lights to your Lordships, having led me to consider the subject of the original rights of this House, I rise just to state to your Lordships, what my sense of this matter is.

I cannot help conceiving that although there is not a right of election, there is and must be a right of exclusion vested in this House, when the admission of any Peer happens to be against the sense of your Lordships ; and my judgment of this arises not only from the idea that this House is possessed of original rights, as independent of the Crown as of the people ; but from the circumstance of this House being the hereditary counsellors of the Crown, against the sense of whom, I must hold, that the Crown cannot of right exert itself. It is true that the Crown is the fountain of honour, and that the creation of Peers is the sole prerogative of the Crown ; but it is so in this double sense only, that the Crown is the fountain of honour, and not of disgrace ; and that the creation of Peers is the sole prerogative of the Crown ; because it is neither in the Lords nor the Commons to do so ; as therefore no Peer can be introduced into this House but by the will of the Crown, so of course the creation of Peers may be said to be the sole prerogative of the Crown ; but at the same time, as every prerogative is given for the benefit of those over whom it is to be exercised, so when the exercise of it is against the sense of those (and when I say the sense of those, I mean the majority of this House) for whose benefit it is intended, its operation by the very reason of the thing, must cease and determine. Your Lordships perceive that this is matter of speculation only, and I wish it had continued so ; but we are now taught that speculation and practice are not always the cause and effect of each other : against every thing that has been said, against common sense, against common decency, in the face of all public virtue, and in encouragement of every private vice, we find a man foisted in upon us, and, with the reward of nobility, made one of ourselves. How, my Lords, the majority of this House will feel this, I know not ; I fear, my Lords, as they have long since felt every thing else, that they are “ ready to sell their birthright for a mess of porridge.” For myself only I can speak, and for myself I do assure your Lordships, that I consider this admission of Lord George Germain to a peerage to be no less an insufferable indignity to this House, than an outrageous insult to the people at large. It is an indignity to this House, because it is connecting us with one, whom every soldier,

and

and every foldier as a man of honour, is forbid to associate with. It is an insult to the people, for what has he done to merit honours superior to his fellow-citizens? I will tell your Lordships what he has done; he has undone his country, and insomuch has executed the plan of that accursed, invisible, though efficient cabinet, from whom, as he has received his orders, so has he obtained his reward. For these reasons, my Lords, I shall as heartily support, as I approve, the worthy and noble Marquis's motion.

There is one thing I will just suggest to your Lordships consideration in one word, and without any comment thereupon. This matter having been debated by your Lordships before, was it proper in a noble Peer of the House, the Keeper of the Great Seal, to affix that seal to the patent before the sense of your Lordships was known? My Lords, I throw this out merely for your Lordships deliberation, and not for my decision.

Lord Vis.
Sackville.

Lord Viscount *Sackville* rose next, and apologized for his venturing to trouble their Lordships, being a few days only a member of that House; yet the subject so very particularly concerned him, he trusted to a favourable, a candid, and a patient hearing. Respecting the honour which his Majesty had been pleased to confer upon him, he knew not by whose advice it was, that he had been so far favoured.

To bestow honours was the peculiar, the indisputable prerogative of the Crown, where the persons on whom those honours were bestowed, were competent to receive them. He held himself to be every way qualified to accept of them. The motion stated the sentence of the court-martial, as the ground of objection to his being made a Peer; he was ready to meet the argument on that point, and to contend, that the sentence amounted to no disqualification whatever. The court-martial, which pronounced that sentence, had sat three and twenty years ago; and he conceived, those of their Lordships, and of the public in general, who were at all acquainted with the peculiarly hard and unfair circumstances that had attended his being tried at all, had long been accustomed to see the whole of that business in its true point of view. What had been the temper of those times? Faction and clamour predominated; they both run against him, and he had been made the victim of the most unexampled persecution, that ever a British officer had been pursued with. In the first place, he had been condemned unheard, and punished before trial. Stripped of all his military honours and emoluments,
upon

upon mere rumour, upon the malicious suggestions of his enemies, without their having been called upon to exhibit the smallest proof. He had challenged his accusers to come forward, he had provoked enquiry, he had insisted upon a trial! Let their Lordships in general recollect, that the court-martial which sat upon him, sat under very peculiar circumstances, and that, amidst all the faction and clamour that prevailed against him, and which at the time had been most industriously excited and encouraged, he had stood firm in his resolution, and determining to clear his character, at any hazard, he had, in spite of all the arts that were used to persuade him to the contrary, insisted on his conduct being enquired into; and was resolved to abide the consequences. — What could their Lordships imagine induced him to persevere in this step, with so much firmness, but a consciousness of his innocence? It was that, and that alone which bore him up, under all the cruel difficulties he had to encounter, and made him submit patiently to the consequence. It did not become him to say a word of the court-martial, or of its proceedings; he had submitted to his sentence, and having done so, he thought he had fully acquitted himself to his country, at the time. At present, neither the charge, nor the defence, nor the evidence, nor any part of that proceeding, was before their Lordships; and yet, their Lordships were called upon to put the sentence in force a second time against him. Not that he meant, by this, to express any the least objection to the whole proceedings being examined; happy should he have been indeed, if the whole of the case had been submitted to their Lordships investigation. He would gladly now submit his honour, and his life, to their judgment: Nay, to the noble Marquis's own decision, as a man of honour. No longer after both happened, than five years, namely in the year 1765, he had been called to the Privy Council, and brought into office. Previous to his accepting of the offers that were made him of taking a part in the Administration of that day, it had been agreed, that he should be first called to the Council Board, which he had ever considered as a virtual repeal of the sentence of the court-martial. Would their Lordships sanctify, confirm, and aggravate a sentence, pronounced by a court military, without having the whole of the case before them? That would be to make the military law, sufficiently severe, as it confessedly was at present, ten times more severe, by annexing to its judgments the censure of a civil court of judicature. Another part of the motion, he could not but

object to, and must take the liberty of saying, that it did not appear to him to be in the smallest degree consonant to justice. What he meant was, the annexing to the sentence of the court-martial, that comment, which the executive power had taken upon itself to superadd. To the sentence of the court-martial he was bound by the law military to submit; and to that sentence he had submitted; but would any man of honour say, that he was answerable for the comment of the executive branch of government? Undoubtedly he was not. The court-martial alone was competent to pronounce upon what they thought his conduct had been; he was tried by them; he was not tried by the executive government.

Lord
Southamp-
ton.

Lord *Southampton* said, unwilling as he was to press too closely, on what every one of their Lordships must know to be a sore place, exclusive of the peculiar delicacy of his own situation, in respect to the subject under discussion, he meant not to have said a word in the debate; but there had fallen from the noble Viscount an expression, which he could not submit to, nor suffer to pass unanswered. The noble Viscount had termed the court-martial, a factious court-martial.

Lord Vis.
Sackville.

Lord Viscount *Sackville* rose instantly, to assure the noble Lord, that he was entirely mistaken. He never had used such an expression, nor dropped an idea calculated to convey an insinuation of that kind. He had carefully avoided saying a syllable tending to arraign the court-martial. What he said was this: that he had been punished, before he was tried; and that faction and clamour prevailed at the time, and both united their efforts to run him down.

Lord
Southamp-
ton.

Lord *Southampton* rejoined, he had misapprehended the noble Viscount, and conceiving that he had called the court-martial factious, rose to assert, that there was no faction in the whole proceeding; and to clear himself from the implied censure therein contained, had he rightly taken the noble Viscount's meaning. Certain he was, that in his conduct, as a witness, he had not been actuated by any factious view whatever.

Lord Vis.
Sackville.

Lord *Sackville* said, undoubtedly the noble Lord had not; nor did he ever mean to insinuate any such thing.

Lord Derby.

Lord *Derby* declared he would not have troubled their Lordships that day, having fully delivered his sentiments on the subject on Thursday se'nnight, had not the noble Viscount, who was the object of what he had said, been now present; and had he not held himself bound in honour, to convince the

the noble Lord, that he never urged an argument against any man in his absence which he dared not venture to repeat to his face. He rose, therefore, to say, that the motion, so ably and properly introduced by the noble Marquis, met his full concurrence. The noble Viscount had complained of the court-martial's having been held twenty-three years ago, and had said that it was impracticable to obtain an investigation of the proceedings at this time, because all the members of the court, excepting Lord Robert Manners, were dead and buried. Good God ! if the sentence was an unjust one, if the proceedings were irregular, if either the court or the witnesses were actuated by faction, by popular clamour, or by party rage, why had not the noble Lord, in all that long time, done himself so much justice, as to obtain a re-examination of the facts, a revision of the proceedings, and a reversal of the sentence ? He never had heard that the noble Viscount had ever attempted any one of these matters, though his own honour, his own interest, and his own character, were so deeply concerned in his doing so ? The very contrary having been the case, the noble Lord having submitted to the sentence, the rectitude of the proceedings remaining unchallenged, and the whole of the business continuing undisturbed to this hour, who was to conceive otherwise, than that the trial had been fair, and the sentence merited ? Another thing which had fallen from the noble Lord, struck him with astonishment,* and that was his impeachment of the orders annexed to the sentence ! Did the noble Lord know, were their Lordships to learn, that those orders were penned by the direction and command of his late Majesty, George the Second ? a wise and magnanimous prince, dear to his country, dear to the recollection of every man who considered the glorious situation of Great Britain in the last reign, and compared it with the degraded and calamitous condition to which public affairs had been precipitated in the present reign ! Let the House for a moment turn its eyes to the brilliant and successful war we were engaged in, when that prince filled the British throne ; and then let him look at the sort of war we are now engaged in, and the miserable state to which it has reduced us ! However the noble Lord, therefore, might wish to stain the character of the last Sovereign, it would be looked up to, with reverence and respect, by every man who possessed the smallest share of gratitude, or public feeling. Having urged this very strenuously, his Lordship adverted to the consequences of bestowing the highest honours

of the country on some men, without due consideration of the probable consequences. Ministers, he said, might have the power, but they ought to be cautious in using it. Suppose, for instance, they meant to carry their ideas of honouring the noble Lord, who had been a main instrument in conducting that war, which had nearly ruined his country, still farther, and were to assign him a blue ribband ! Let them recollect there was one person, who now wore a blue ribband, who had served this country gallantly and well, and who must, in that case, immediately tear off his badge of honour, and send it back to the British Court, with the best apology he could. The person he alluded to, the Earl said, was Prince Ferdinand, who certainly could not continue to consider that ribband as any real honour, after he heard that it was bestowed on a person, whom he had thought it necessary to charge with disobedience of orders, and to bring to a public trial upon that charge. His Lordship said, he threw out this, merely to warn ministers in time, how they proceeded, and to let them see what, in all probability, would be the consequences were they to adopt the measure he had alluded to. His Lordship concluded with repeating, that the motion had his hearty concurrence.

Marquis of
Carmarthen

Marquis of *Carmarthen* [Lord Osborn] declared, he should be to the full as much concerned, as the noble Viscount, to see the sword superior to the law, and military rule prevail over the civil jurisdiction ; but he could not admit, that the argument at all applied to his motion. He had expressly stated, that he did not enter into any discussion of the grounds of the sentence, or enquire whether it was just or unjust ; he merely took it up as it stood ; and contended, that as long as that sentence remained in full force, which he considered it now to do, the unfortunate nobleman who laboured under the ignominy it conveyed to the world, ought not to have been seated a member of that House ; and therefore, although he admitted the right of the Crown, to the fullest extent of its claimed prerogative, he could not but think those ministers highly censurable, who advised his Majesty to confer the honour in question.—His Lordship also used additional arguments, by way of endeavouring to shew, that the orders annexed were the natural and necessary comment upon it, and must be taken as a part of the whole.

Lord Wal-
ingham.

Lord *Walsingham* contended, that our laws military, in many instances, called for revision and amendment. He appealed to their Lordships upon the danger of their blindly adopting

adopting what had been the result of the proceedings of a jurisdiction circumscribed by military rules, and which differed so essentially from the juridical proceedings of the civil judicature. He next insisted, that the comment of the executive branch of government, ought not to weigh a moment against his noble friend, either with their Lordships or with the public. The noble Viscount, his Lordship observed, had remained the indefatigable servant of the public, till the moment arrived when the Crown thought his services could be dispensed with. If therefore those ministers, with whom his noble friend had acted, had suffered him to retire without receiving some mark of the royal favour; if they had neglected to advise his Majesty to honour him with a distinguished proof of his having acquitted himself in his arduous and difficult situation, in a manner satisfactory to the Crown, he should, for his part, have thought them the most *shabby* set of ministers that ever governed a country, and have considered them as fit objects for public contempt.

The Duke of *Richmond* said, there was one point which had, from the day of his trial till the present hour, continued unexplained, which was extremely material, and on which men's judgments had rested a great deal. This, his Grace stated to be, the point of time between Prince Ferdinand's having sent an order to the noble Lord to advance with the cavalry, and its arrival. The question had been put to many persons, and no one was able to answer it. Had he been examined as a witness, he could have removed the difficulty; he had his watch in his hand the whole time, and he particularly knew, that the time was one hour and an half. The orders had been said to be contradictory, one being for the cavalry to advance, the other for the British cavalry to advance: the fact, however, his Grace said, was, the noble Viscount obeyed neither the one order or the other. There was a full hour and an half for the noble Viscount to bring up the cavalry in from the distance of a mile and a quarter, but the engagement was over before the cavalry appeared. After stating this, and dwelling on it for some time, his Grace said, he had another objection to the ministers having advised his Majesty to create the noble Lord a Peer, and that was—the time. He thought it exceedingly impolitic to do it just at present; that it would not only have a bad effect on the army in general, but by shewing the Americans that the Minister, who had been in a great degree instrumental in carrying on a most cruel and severe war against them, was rewarded

rewarded with a Peerage for his conduct. At the same time that he said this, he declared, he did not think the noble Lord near so guilty, in respect to the American war, as the Minister in the other House. The noble Lord, he acknowledged, had always held one uniform language, and had acted up to it. That sort of conduct was respectable, because it was manly and consistent. Another reason which his Grace strongly urged, was the enquiry into the capture of Lord Cornwallis's army at York-town, which the House had resolved upon. There could be but three parties, on one of whom the criminality, that enquiry went to ascertain, must fall — the Ministers who planned the operations of the war, or the Generals or Admirals concerned in their execution. The whole criminality might be brought home to the noble Lord, and in that case it would be an additional disgrace to their Lordships, that he had been seated among them. His Grace charged the House with having been afraid to meet the question fairly the last time it was under consideration, and with pitifully getting rid of it, by a motion of adjournment. He also particularly declared, that the noble Viscount's colleagues had *skulked* the question, remained totally silent upon it, not venturing even to offer a plea of any kind, or utter a syllable in his defence. His Grace said, those officers who had been concerned in the business of Minden, and who, like him, thought the sentence perfectly proper, must necessarily vote for the question. If the noble Lord, who had rose early in the day to defend the court-martial, did not do so, he would condemn his own evidence upon the trial, and reprobate it in the face of the world. His Grace concluded with declaring, he gave his consent to the motion.

Lord
Southampton.

Lord *Southampton* rose to say, in reply to the Duke's call upon him, that his whole conduct, both as a witness on the court-martial, and since that time, was before the public. He should leave his conduct that day, whatever it might be, to their decision, without at all considering whether they would put that construction upon it, which the noble Duke had said they would.

Lord
Stormont.

Lord *Stormont* went into a pretty long argument, on the nature of creating Peers, and the different manner in which the right had been exercised. The creating of a peerage was not always a question of state. Their Lordships well knew, that there were at present some peerages existing, which had not originally been created by the advice of ministers, but were mere acts of the Sovereign. After dwelling for some time

time on this point, his Lordship adverted to the words of the sentence, " unfit to serve his Majesty in a military capacity," and said, he had never understood, either at home or abroad, that such a disqualification extended to civil employments or civil honours; not even in those countries where military ideas prevailed in the most extravagant degree. To prove that the House had not taken the proceedings of the other House of Parliament even, as a ground of their own proceedings, he stated the case of Sir Robert Walpole, mentioning his impeachment, commitment to the Tower, &c. at one time; his subsequent employments in the highest offices of the state at another; and his creation to the Peerage at a third; when what had happened in the other House, was held no bar to his being admitted to a seat in that House. After a great variety of very clear and able arguments, mixed with much elegant complimentary matter to the noble Viscount, his Lordship declared, as the question of adjournment being moved, when the subject was last under discussion, had not been perfectly understood, he would now, in the most unequivocal and obvious manner, assure their Lordships, that he would give the motion his hearty and direct negative.

The Earl of *Shelburne* [Lord Wycomb] said, as the deed was done, and the noble Lord sworn in, he would have advised the dropping the present motion, had it not been for doctrines similar to those now avowed by the noble Lord who spoke last, that he had before heard, and which he meant on this occasion to controvert. His Lordship, after this exordium, made a long and entertaining speech, in which he opposed a great deal of knowledge of the constitution, of the ancient laws, of the principles on which the fundamental rights of that House rested, and of the different ideas of the extent of the prerogative which had prevailed at different times, to the arguments of Lord Stormont. His Lordship attacked Lord Sackville, for having arraigned the court-martial, and said, in justice to his two noble deceased friends, Lord Granby and Lord Chatham, who had conducted and planned it, he would defend the court-martial, and justify the sentence. His Lordship, after having charged Lord Sackville with having had the whole strength of the country put into his hands, to carry on the American war, and failed most miserably, nevertheless gave him credit for having held a more manly style of language than any other minister, and with having uniformly acted with the nicest feeling, the strictest honour, the most unimpeachable integrity, and the most distinguished abilities.

• With

With regard to the person who had been appointed the noble Viscount's successor, all he would say of him, his Lordship said was, that he at least could not be charged with disobedience of orders, from the first day of his getting admission into the military phalanx to the present moment.

The Lord
Chancellor.

The *Lord Chancellor* declared, that let who would have advised his late Majesty to issue those orders, he scrupled not to say, that Minister advised the Crown to act most unjustly, and to publish a stigma on the noble Lord, infinitely worse than could be collected either from the charge or the sentence. The charge, his Lordship endeavoured to shew, went a great way beyond the sentence. The charge contained accusations of a capital nature — the court acquitted the noble Lord of those heavy accusations, and confined the sentence most indistinctly to the description of a criminality of a much lighter nature, viz. disobedience of orders. His Lordship said, he would give the motion a hearty negative.

Lords Rockingham, Chedworth, and several other noble Lords, took a part in the debate.

The question was at length put.

Contents, 27; Proxies, 1; Total, 28. — Not Contents, 81; Proxies, 12; Total, 93.

Die lunæ 18 Februarii, 1782.

Moved to resolve,

“That it is highly reprehensible in any person to advise the Crown to exercise its indisputable right of creating a Peer, in favour of a person labouring under the heavy censure of a court-martial; viz.

“This Court, upon due consideration of the whole matter before them, is of opinion, that Lord George Sackville is guilty of having disobeyed the orders of Prince Ferdinand of Brunswick, whom he was by his commission and instructions directed to obey, as Commander in Chief, according to the rules of war: and it is the farther opinion of this Court, that the said Lord George Sackville is, and he is hereby adjudged, unfit to serve his Majesty in any military capacity whatever.”

Which sentence his Majesty has been pleased to confirm.

And public orders given out in consequence thereof.

“It is his Majesty's pleasure, that the above sentence be given out in public orders, that officers, being convinced, that neither high birth nor great employments can shelter offences of such a nature; and that, seeing they are subject to censures worse than death, to a man who has any sense of honour,

honour, they may avoid the fatal consequence arising from disobedience of orders."

Which being objected to — after a long debate, it was resolved in the negative.

Dissentients

" Because we cannot look upon the raising to the Peerage a person so circumstanced, in any other light, than as a measure fatal to the interests as well as the glory of the Crown, and to the dignity of this House; insulting to the memory of the late Sovereign, and likewise to every surviving branch of the illustrious House of Brunswick; repugnant to every principle of military discipline, and directly contrary to the maintenance of that House, which has for ages been the glorious characteristic of the British nation, and which, as far as can depend on us, we find ourselves called upon, not more by duty than inclination, to transmit pure and unfulfilled to posterity."

OSBORNE,	DERBY,
RUTLAND,	EGREMONT,
PEMBROKE,	DEVONSHIRE,
CRAVEN,	ABINGDON.
CHATHAM,	

February 19, 20, 21, and 22.

Private business. Adjourned to

• *February 25.*

The Duke of *Chandos* moved for a number of navy papers, respecting the state of the fleet under Admiral Graves, in the years 1780 and 1781, &c.

Lord Sandwich made some objections to particular parts; in which the Duke acquiesced; and then the motion, with Lord Sandwich's amendments, was agreed to.

February 26, 27, 28; March 1, 4.

Private business.

March 6.

The papers moved for by the Duke of *Chandos*, respecting the surrender of Lord Cornwallis, (see pages 121 to 122) Duke of Chandos. being read, his Grace rose and observed, it was obvious, from the papers, that the officers stood fully acquitted of all blame. I find, he said, they have acted their parts, with fidelity to their country, though their services have been

accompanied with disaster and disgrace: it is not therefore to their misconduct, that I am to attribute our present forlorn prospects; they have discharged their duty with an integrity becoming their characters; but, unfortunately, they were mortals, and could not resist those complicated difficulties, to which, by the misconduct of those at a distance, they were unhappily exposed. From the papers which have, day after day, been read to your Lordships, nothing appears to me in a stronger light, than that the immediate cause of the capture of the British army under Lord Cornwallis, arose from the want of a sufficient force, to cover and protect it, in the Chesapeake: this is the ground upon which I place my foot; it is here, my Lords, that I erect my standard. Owing to causes of a similar nature, owing to our army's being supplied with scanty handfuls of men, by which the superiority of the enemy, in point of numbers, has been supported and maintained, our misfortunes have accumulated upon us. This truth, I am confident, appears every where, from the history both of our naval and military operations in the Western World. Had the army under Lord Cornwallis been protected and supported by a powerful fleet in the Chesapeake, might it not have been saved from ruin, and the disgrace of its capture avoided? In like manner had Sir Henry Clinton been supplied with a proper number of troops, essential aid might have been communicated to Lord Cornwallis, and his hands strengthened against the common enemy. In applying this general observation to the present case, he did not, however, mean to throw the whole blame upon the Admiralty, for not having appointed a sufficient naval force to protect the British army at York-town. It was no novel doctrine, that they derived their authority, and received their orders, from the Cabinet. Though they were responsible in some measure for their conduct, yet it was the Cabinet that was ultimately amenable in the present instance. He meant, therefore, to direct the motions he was about to make against this collective body. It was owing to them that the army at York-town, under Lord Cornwallis, had been captured, and America lost to this country. Why, asked the noble Duke, was not a greater number of ships sent upon so important a service? Where were the fleets of England now stationed? Why were not the armies of this country properly increased? Why did we not make alliances and confederacies with other countries, instead of sending half a dozen, or a dozen British officers, all over Germany, to col-
lect

lest a thousand or fifteen hundred mercenary troops, like so many poulterers employed in picking up as many chicken? Our disasters, continued the noble Duke, press the present subject of enquiry upon my mind. Not only is America lost to this country, but Minorca is also gone, and our valuable islands in the West Indies fall, day after day, like ninepins. Another House has, upon a late occasion, given evidence of its sensibilities, in respect to our present misfortunes; I venerate it on account of its late decision, which I vow shall be consecrated in my memory to my latest hour; and which, I think, merits to be written in letters of gold. Let us, my Lords, compare their conduct, with that of our own; I protest, for my own share, that I feel myself almost disgraced by holding a seat in this House. I am descended from a race of ancestors more ancient, and as illustrious as many of those of your Lordships ancestors, some of whom have bled or been sacrificed for their country; but what would they think, if at the present moment they were to behold the calamities of this country, and the disgraces which this House has entailed upon itself? His Lordship concluded with observing, that though he was incapable of bringing any one over to his opinion, by his oratorical abilities, not being much practised in the habits of public speaking, yet he was convinced of the integrity of his own intentions, and of the justice of what he had advanced; he was, at all hazards, determined to pursue the conduct of that Cabinet, which had brought disgrace upon the country, till at last the inflictions of justice were put in execution upon it; for this purpose, he would submit to the consideration of their Lordships, the two following motions; the first of which, he proposed, should be introductory to the second: First, "That it is the opinion of this Committee, that the immediate cause of the capture of the army under Earl Cornwallis, in Virginia, appears to have been the want of a sufficient naval force, to cover and protect the same."

Second, "That the not covering and protecting the army under Lord Cornwallis, in a proper manner, was highly blameable in those who advised and planned the expedition."

Earl of *Sandwich* said, that he felt his task to be a very arduous one. That defending the plans of ministers, after those plans had unfortunately failed, was an extreme difficult matter to attempt; and however fair the intentions of ministers might have been, however wise their plans, as far as the situation of affairs, and the probable turn they would take,

might appear to them at the time they formed these plans, it was by no means easy to combat the strong prejudices arising from ill success, or to convince men, whose minds were deeply impressed with sentiments of disappointment and mortification. That a calamity, which was certainly a very serious one, had been an instance of the uncertain chance of war, rather than a circumstance arising from neglect in ministers, from their want of foresight, or their want of caution. He most heartily agreed with the noble Duke, and he was much pleased to find a mode of reasoning adopted by his Grace, so exactly corresponding with his own sentiments: for what was the language held by the noble Duke, but that neither the First Lord of the Admiralty, nor those connected with him in that department, were at all responsible for their conduct in that degree which might be commonly imagined. There was a trust reposed in them by the majority which decided in his Majesty's Councils; and in proportion as they executed this charge with fidelity, they were justifiable or blameable. So much he would say, in concurrence with the noble Duke, in behalf of himself, and in defence of those conjoined with him in office. He did not, however, mean, by this observation, to avoid saying any thing upon the present subject of debate, in answer to what had been stated by his Grace. He had made an observation, and founded his motion upon it, that there was not a sufficient force to protect the army under Lord Cornwallis at York-town. When he undertook to take off the force of this assertion, he begged to acquaint their Lordships, that he did not mean to throw blame upon any character, naval or military. He was ready to bestow the same praise upon our Generals and Admirals as had been so liberally bestowed by the noble Duke. He was convinced, that any fault, or any neglect of duty, was not to be laid to their charge.

He was equally well persuaded, that upon a due investigation of the matter, their Lordships would find that the causes of the misfortune which formed the subject of the present enquiry, were to be attributed solely to accident, and not to those circumstances which had been suggested by the noble Duke. He would, therefore, state to them the precise facts respecting the situation and numbers of the British fleet in the West Indies and America, at the time alluded to; from which it would appear, that the Lords of the Admiralty proceeded upon solid presumptions in their administration, and that neither they, nor those who in the aggregate directed his Majesty's

Majesty's Councils, were at all criminal on the occasion. The number of the British fleet in the West Indies, previous to its sailing for America, was twenty-two ships of the line. This number was, however, considerably lessened, owing to particular casualties. The Sandwich, forming one of the fleet, was unfit for service. Two more were ordered for the Jamaica station, and four employed as a convoy to the homeward-bound trade. Besides this, Sir George Rodney brought home with him the Gibraltar, which was in a state of tolerable repair, and might have been carried with safety to America. In this manner the fleet was reduced from twenty-two to fourteen sail, whereas the enemy, collecting its force from all quarters, having no convoy to protect, proceeded to America with an unexpectedly superior force. This circumstance, however, could not have been foreseen by the Admiralty at home: it depended upon an unknown arrangement of system in our naval affairs, and could not of course have been remedied. He wished, for his own part, that particular situations had admitted of a different sort of management, and that so large a number of ships had not been employed in conveying the trade. His Lordship then gave a statement of the French fleet, which, he said, was twenty-seven in number, and observed, that every step which was proper had been adopted by the Admiralty. The noble Duke had asked, where were the fleets and armies of England? He would tell him, some of them were in America; many of them in the West and East Indies; and not a few employed at home. In short the Admiralty had arranged matters agreeable to the best of their judgment; and he would add, without dreading the being taxed with presumption, to the best of their abilities. We had been unfortunate it was true. The minds of mankind were of course affected; their prejudices awakened; and they were consequently led to enquire after, and conjure up causes, which, in fact, had no existence. Our misfortunes originated in an unhappy combination of circumstances, and the hand of Providence did not seem to favour us. These were the real sources of our disasters, and it was in vain to seek for them elsewhere. Having persisted in this style of reasoning for some time, his Lordship observed, that he by no means considered the motion in a favourable light. It seemed directed more against men in office, with a view of aspiring at their places, than calculated to produce any good effect. In enumerating the various causes of our misfortunes, the noble Duke had forgot one thing, viz. the obstruction
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that people in administration had met with from Opposition, who had clogged the wheels of government, and prevented their proper operation. His Lordship, having made several miscellaneous observations, and resorting to some of his former arguments, said, that in a general point of view, when a country was engaged in an extensive war, it was the duty of ministers so to distribute the force of the country, as to cover the whole of their possessions, as far as the extent of that force would allow. If any one station, for instance, was overloaded with naval force, in such a war as the present, that would be extremely unwise; because, of necessity, some other part of our possessions must be left in a weak, defenceless, and unprotected condition.

His Lordship farther urged, in very pointed terms, the absolute necessity there was, in his apprehension, to exert every nerve, for the relief of Gibraltar; and endeavoured to demonstrate, that protecting that fortress held out a certainty, which no operations in the West Indies, at that time, possibly could: this measure farther recommended itself to him, because the probability of giving the British fleet an opportunity of meeting that of Spain, was a most flattering prospect to those acquainted with the strength of the contending parties, and the bravery and skill of our officers and seamen.

Earl of
Derby.

Earl of *Derby* said, that he felt strongly what had fallen from the noble Lord towards the conclusion of his speech; he would therefore make a reply according as his feelings suggested to him ideas respecting the sentiments of the noble Lord. The noble Lord said, he complains that the prejudices of the world are settled against him: Good God, my Lords, I am astonished at the impudence and assurance of such an assertion. [Here there was a cry to order.] His Lordship, however, justified the propriety of his assertion, and said that he would not retract it unless by the order of the Committee, to whose authority he implicitly bowed. He thanked Lord Falconberg, who paid him some compliments on account of his usual delicacy of manner, and went on justifying his expression, and declaring that he was astonished at the assurance of the noble Lord, who had complained of the prejudices of mankind; were not these prejudices well founded? Had not the people at large a right to them? Administration had ruined this country, and the noble Earl complained, that the generality were prejudiced against him. If this was not assurance without example, he had no knowledge of the differences of things. But this is not all, continued his Lordship;

ship; the noble Lord affirms, that Administration have had no success, because the wheels of government have been retarded by the influences of opposition. Can any assertion be more groundless? Has opposition in this House yet carried one point? Has one soldier demanded, been refused? Or one shilling asked, and not obtained? The noble Lord laments that the hand of Providence is against us. I by no means see reason to justify so melancholy a reflection. Consult the history of the war, and your Lordships will find that Providence has been much more favourable than we could have expected, or in fact deserved. After a pretty warm effusion on these general points, his Lordship came to consider the statement of the fleet in America given by Lord Sandwich. He said, in the enumeration of the forces of our enemies, he had unfortunately forgot to mention the ships under the command of Monsieur de Barras, the number of which was considerable, so that the fleet of the enemy was much more numerous than he had stated to their Lordships.

He wished to know for what reason our fleet was apportioned in the manner which the noble Lord had mentioned, and begged to be informed, why Sir George Rodney had brought home with him an eighty gun ship, and whether he might not have been conveyed to this country equally well in a frigate? — He said, these were points upon which the noble Lord seemed particularly shy, and he wished to draw from him information in regard to them. His Lordship dwelt upon our public disasters, made allusions to the capture of Minorca and St. Kitts, and subjoined, that he would not exhaust these subjects at present, but reserve them as grounds for future enquiry, and impeachment. “Sufficient for this day was the evil thereof.” He concluded with applauding the zeal and perseverance of the noble Duke who had made the motion. He hoped it would be well received, and had his hearty consent.

Earl Temple followed his Lordship. He said he was always happy to receive information from their Lordships, and was particularly fortunate, that though he had risen almost at the same moment with the noble Lord who had just sat down; the noble Lord had been heard first, as he had borrowed much information from his Lordship. He remarked, that the noble Earl at the head of the Admiralty had given a general state of the French fleet in the West Indies and America, previous to the capture of the army under Lord Cornwallis; he had, however, forgot to take any notice of five ships stationed off the Cape, and of the force of the Spaniards at Cuba.

Cuba. These were facts which merited consideration. He had likewise asserted, that our naval armament was much greater than at any former period. For his own share, he much doubted the fact, and would meet his Lordship when he chose upon the enquiry. Towards the conclusion of his speech, in which he discovered much honest sensibility, he declared, that our situation and conduct was such, that he was now almost ashamed of being a Member of this House, and a Briton; and that if it were not for particular connexions, he would most unquestionably leave the country.

Marquis of
Carmarthen

The Marquis of *Carmarthen* begged to know whether a letter, dated the 6th of July last, and received the 12th or 13th of the same month, by the Admiralty, giving an account of the force and time of sailing of the fleet under M. de Grasse, was upon the table. He said he had looked for it, but had not found it. [Upon searching for it, it could not be found.] The Marquis then begged to know, from the First Lord of the Admiralty, whether any steps had been taken by his Lordship, in consequence of this speedy information, to frustrate the views of our enemies. This called up

Earl of
Sandwich,

The Earl of *Sandwich*, who read a paragraph of a letter from Admiral Graves, which he presumed contained the sum of the information desired by the Marquis. He then went into the consideration of the different arguments that had been employed against him. He said, the noble Earl who spoke last, had misunderstood him in respect to the fact of the Sandwich; and that as to the bringing home of the Gibraltar, Sir George Rodney had not thought that her remaining in the West Indies, or her going to America, was at all necessary. Here he read a paragraph from a letter of Sir George upon his arrival in Ireland, in which he stated, that he thought the force sent against the enemy sufficient to give them a proper check. His Lordship subjoined, that if he had forgot to take notice of the fleet under Mons. de Barras, it had also been omitted, by Opposition, to say any thing of five sail of the line of British ships which were then in America. The fact was, our misfortune did not arise from the inferiority of our fleet in point of numbers, for the one half of the ships were not engaged in the action.

Duke of
Manchester

The Duke of *Manchester* produced the copy of a letter from Sir George Rodney, which his Grace read; and insisted on it that it was evident, the neglect of not having a proper naval force in America, was the cause of the calamity as stated in the motion, which he declared had his full consent.

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The Duke of *Richmond* took a review of all the naval events of the year 1781, and asserted, that the whole was one continued series of proofs of the ignorance, the incapacity, the want of exertion, and the want of prudence in Ministers. His Grace contradicted Lord Sandwich's account of the British and French force, and declared that the noble Lord had greatly misrepresented it. His Grace gave his own account of the force, which contradicted that given by the Earl of Sandwich very materially.

This gave rise to a long altercation on that particular point, in which the Duke of Richmond, Lord Sandwich, the Lord Chancellor, Lord Camden, and Lord Temple, took a part ; the four first were upon their legs four or five times each.

The Duke of *Grafton* endeavoured to put an end to it, by declaring, that it was idle to be spending their time in cavilling whether there was one ship here, or one ship there ; they ought to consider the whole. His Grace declared he had done so, and he was most fully convinced of the justice of the motion.

Lord Viscount *Stormont* observed, that the question was divided into two parts, the first of which was only then before them ; but as the other was meant to follow, if the first succeeded, he should consider both together. His Lordship then went into a discussion of the several calls upon Ministers to attend to very distinct and different services in the year 1781. He said, Gibraltar ought to be relieved at the time that the noble Duke, and other noble Lords, who had supported the motion, had asserted, that a larger naval force ought to have been sent to America. That preference of service was a matter of *doubtful political expediency*, and Ministers could only act, previous to any event's taking place, to the best of their judgment. So long, therefore, in a crisis, like that alluded to, as Ministers acted with a good intention, and as matters then stood, with a strong probability that the measure they had adopted, was the most fit for them to adopt under the circumstances that served as a guide to their conduct, they appeared in his mind by no means to merit censure ; on the contrary, he was persuaded, they were entitled to the approbation and thanks of their country. With regard to Monsi^r. de Grasse's fleet, it was not possible for them to imagine, that so large a fleet would leave to large a convoy, and proceed directly to America, in order to strike a capital blow at once, and capture the army under Lord Cornwallis. Had Ministers been aware or apprized of such an intention, he

would join with the noble Duke in asserting, that they would then have been highly criminal, had they not taken proper measures to have prevented it. His Lordship concluded with declaring, he should give his negative to the motion.

Duke of
Richmond.

The Duke of *Richmond* replied. He particularly noticed the noble Viscount's expression, that to determine which would have been the wisest step to have taken, whether to have sent a large force to oppose *Monf. de Grasse*, or to have sent to relieve *Gibraltar*, was a matter of *doubtful political expediency*. His Grace declared his opinion was directly the reverse; he thought it was by no means a matter of doubtful political expediency; Ministers ought, without hesitation, to have sent to meet and oppose *Monf. de Grasse*, since they either did or ought to have known that he had sailed. And as to the noble Lord's declaring, that they had no conception that the French would do so magnanimous, so great, so noble a thing, as to collect their naval force, trust their fleet of transports, &c. to some degree of risque, and go to strike an important blow against our force in America, if Ministers could acknowledge that they really had never thought it possible, he should think of Ministers ten times more contemptibly than he ever imagined he should have done. His Grace asked, why Admiral *Darby* had not been ordered to detach from *Gibraltar* to the *West-Indies*, after he had relieved the garrison? Even then it would not have been too late for some of our men of war to have arrived in the *West-Indies* before *Monf. de Grasse*, whose fleet was encumbered with a large, heavy, and slow-sailing convoy. He spoke to a variety of naval events, particularly that of Admiral *Darby's* going with his fleet off *Cork*, in order to be joined by the victualers. Every naval man, he had talked to on the subject, had held up his hands with astonishment, and expressed his surprise at Admiral *Darby's* not having rendezvoused at *Plymouth*, and ordered the victuallers to have come to him there, or to have joined him at sea. His Grace enumerated our losses, and particularly mentioned *Minorca*. He said, if Ministers did not mean to relieve the garrison there, or could have done so, it would have been wise to have abandoned it, and given it up. Nay, he would say more; after it was besieged, it would have been more humane, and more laudable, had they even sent out in order for General *Murray* to have surrendered it; it would have saved blood, and not have taught the army to despair of any the least care of them being taken by Ministers. He applied to Lord *Sandwich*, and asked him

him if he thought it honourable, nay, if he thought it honest to continue in his office, after he knew, that two hundred seventeen members of the House of Commons had expressed their strong disapprobation of his conduct? The noble Lord knew, that one half of the people, at least, disapproved of him as a Minister, and wished him out of office; he ought, therefore, to retire, and obey their inclinations. His Grace concluded with earnestly intreating Ministers not to trust too long to their majorities, but to comply with the wishes of the people in time. If they did not, he feared, the people would be provoked to enforce their wishes in starts and irregular sallies, in a manner that might lead to confusion, and do a great deal more harm than good.

The Duke of Bolton and Earl of Westmoreland likewise spoke in the foregoing debate; the former in support of the Duke of Chandos's motion, and the latter, warmly against it.

At half after eleven o'clock, the question having been put, on the Duke of Chandos's motion, the Committee divided. Contents, 37; not contents, 72.

The following copies of authentic Letters, which, except the first, were not read in the House of Lords, throw a very important light upon the surrender of Earl Cornwallis; and are therefore extremely proper to be inserted in this place.

Extract of a Letter from Lieutenant General Earl Cornwallis to his Excellency General Sir Henry Clinton, K. B. dated York-town, Virginia, October 20th, 1781.

S I R,

I Have the mortification to inform your Excellency, that I have been forced to give up the posts of York and Gloucester, and to surrender the troops under my command, by capitulation, on the 19th instant, as prisoners of war, to the combined forces of America and France.

I never saw this post in any favourable light. But, when I found I was to be attacked in it, in so unprepared a state, by so powerful an army and artillery, nothing but the hopes of relief would have induced me to attempt its defence: for I would either have endeavoured to escape to New-York, by rapid marches from the Gloucester side, immediately on the arrival of General Washington's troops at Williamsburg; or I would, notwithstanding the disparity of numbers, have attacked them in the open field, when it might have been just possible that fortune would have favoured the gallantry of the handful of troops under my command.

command, But being assured by your Excellency's letters, that every possible means would be tried by the navy and army to relieve us, I could not think myself at liberty to venture on either of those desperate attempts. Therefore; after remaining two days in a strong position in front of this place, in hopes of being attacked, upon observing that the enemy were taking measures which could not fail of turning my left flank in a short time; and receiving, on the second evening, your letter of the 24th of September, informing me that the relief would fall about the 5th of October, I withdrew within the works on the night of the 29th of September, hoping by the labour and firmness of the soldiers, to protract the defence until you could arrive. Every thing was to be expected from the spirit of the troops, but every disadvantage attended their labour, as the works were to be continued under the enemy's fire, and our stock of entrenching tools, which did not much exceed four hundred when we began to work, in the latter end of August, was now much diminished.

Although the event has been so unfortunate, the patience of the soldiers in bearing the greatest fatigues, and their firmness and intrepidity under a persevering fire of shot and shells, that I believe has not often been exceeded, deserved the highest commendation and praise. A successful defence, however, in our situation, was perhaps impossible; for the place could only be reckoned an intrenched camp, subject in most places to enfilade, and the ground in general so disadvantageous, that nothing but the necessity of fortifying it as a post to protect the navy, could have induced any person to erect works upon it.

(Signed) CORNWALLIS.

Copy of a Letter from Sir Henry Clinton K. B. to Lieut. General Earl Cornwallis, dated New-York 30th November, 1781.

M Y L O R D,

After the conversation I had with your Lordship (before I sent your letter to be published) in which we seemed so perfectly to agree; I must beg your Lordship's pardon for again troubling you on the subject.

But being informed, perhaps officiously, that some people here suppose there are passages in that letter, which convey an idea, that you had been compelled by my orders to take the post of York, though it was not your own preference; that you had represented the defects of the ground, and were detained there contrary to your own judgment; and likewise that I had promised the exertions of the navy, before my letter of the 24th of September: — I am persuaded your Lordship will readily excuse my requesting a more formal avowal of your sentiments, lest I should have then mistaken them. Because, if that should unfortunately be the case, I may perhaps be under the necessity of taking measures to obviate your letter being viewed in the same light in England.

I have the honour to be

Your Lordship's most obedient and most humble servant,

(Signed) H. CLINTON.

Copy of a Letter from Lieutenant General Earl Cornwallis to General Sir Henry Clinton. dated New-York, December 2, 1781.

S I R,

Yesterday afternoon I was honoured with your Excellency's letter dated the 30th of November.

I do not recollect that any conversation passed between us the other day, before the publication of my letter, relative to my reasons for taking possession of the posts of York and Gloucester. But in answer to your dispatches, dated the 8th and 11th of July, directing me so positively to possess a harbour in the Chesapeake, for line of battle ships, your Excellency will see that, after finding that works on Point Comfort could not protect a naval force in Hampton Road, I thought that I acted in strict obedience to your orders, by taking possession of those posts. I thought it unnecessary to enter into a minute detail of the disadvantages of the ground, either on my first examination of it in the month of June, or on my return to it in August; because on the first occasion, as I have already had the honour of explaining to your Excellency, I did not, after seeing it, entertain for a moment an idea of occupying it — not thinking myself at liberty, by the instructions under which I then acted, to detain the greatest part of the force in Virginia for the purpose of securing a harbour for ships of the line; — and on my return to it in August, I thought it then became my duty to make the best of it I could, having no other harbour to propose in its place.

In regard to the promise of the exertions of the navy, previous to your letter of the 24th of September, I can only repeat what I had the honour of saying to your Excellency in the conversation to which you allude, that without any particular engagement for the navy before that date, all your letters held out uniformly hopes of relief; and that I had not listened from any of them to suppose that you had lost sight of the possibility of relieving it. And that under those hopes, after serious reflection, I did not think that it would have been justifiable in me to abandon those posts, with our numerous sick, artillery, stores, and shipping, or to risk an action, which in all probability would in its consequences have precipitated the loss of them.

My letter from York, dated the 20th of October, was written under great agitation of mind, and in great hurry, being constantly interrupted by numbers of people, coming upon business or ceremony. But my intention in writing that letter was to explain the motives that influenced my own conduct, and to narrow the incidents that preceded the extremity that forced us to surrender.

I have the honour to be, with great respect,

Sir, your most obedient and most humble servant,

(Signed) CORNWALLIS.

Copy of a Letter from Sir Henry Clinton K. B. to Lieutenant General Earl Cornwallis, dated New-York, December 2, 1781.

MY LORD,

As your Lordship is pleased, in your letter of this day, to revert to the circumstance of your quitting the Williamsburg Neck, and repassing James River, so contrary to the intentions I wished to express in my letters of the 11th and 15th June, and those referred to by them (and which I thought they would have clearly explained;) your Lordship will, I hope, have the goodness to forgive me, if I once more repeat, that I am of opinion, if those letters had been properly understood by your Lordship, you would at least have hesitated before you adopted that measure. For I humbly presume it will appear, upon a perusal of them, that it was my desire to recommend to your Lordship, the taking a healthy defensive station, either at Williamsburg or York; and after keeping what troops you might want,

want, for the ample defence of such a post, and desultory movements by water, to send me such a proportion of the corps (mentioned in a list) as you could spare, taking them in the succession they are there placed in. Your Lordship, on the contrary, understood these as conveying a positive order to send me three thousand men (by which you say your force would have been reduced to about two thousand four hundred rank and file, fit for duty — having, it is presumed, above fifteen hundred sick), and was pleased to tell me, in your answer, that you could not, consistent with my plans, make safe defensive posts at York and Gloucester, both of which would be necessary for the protection of shipping; and that you should immediately repass James River, and take measures for complying with my requisition.

I own, my Lord, that my opinion of the obvious meaning of the letters referred to, continues still the same; and I am exceedingly sorry to find, by the letter you have now honoured me with, that it differs so widely from your Lordship's.

My letter of the 11th of July, directs your Lordship to fortify Old Point Comfort, in the mouth of James River, with the intention of securing Hampton Road, which the Admiral recommended as the best naval station, and requested I would occupy. But your Lordship's letter, of the 27th July, informs me you had examined Old Point Comfort, with the officers of the navy and the engineers, and that you were all of opinion, a post there would not answer the purpose; and that you should, therefore, in compliance with the spirit of my orders, seize York and Gloucester, being the only harbour in which you could hope to be able to give effectual protection to line of battle ships. Supposing, therefore, of course, that your Lordship approved in every respect of York and Gloucester, from the preference you had thus given them to the post I had recommended; I did not oppose the choice you had made, having never received the least hint from your Lordship, that the ground at New-York was unfavourable, or liable to be enlisted, until after you had capitulated.

With respect to your Lordship's having been influenced in your conduct by the hope, of relief (which you say was uniformly held out to you in all my letters) your Lordship cannot be insensible; that the possibility of effecting it must have entirely depended upon the exertions of the navy; which, as I was not authorised to promise before the 24th September, I am persuaded your Lordship will readily acknowledge, that if your letter of the 20th of October implies I had done so before that period, the implication cannot be supported by any thing I wrote, previous to my letter of that date, which you received on the 29th.

As therefore my letters of the 2d and 6th of September, which promise only my own exertions, did not reach your Lordship before the 13th and 14th of that month, and you did not before then know of Sir Samuel Hood's arrival, or of Mr. Graves's having more than seven sail of the line, to combat Monsieur de Grasse's force (which, on the 20th August, you had heard consisted of at least twenty-five sail of the line) your Lordship consequently could have no hopes of relief before that time. With respect to your escape to New-York, immediately on the arrival of General Washington's troops at Williamsburg, (which your letter of the 20th October implies you were prevented from undertaking by the receipt of mine of the 24th September) I must beg leave to observe, that if it had been ever practicable after the time your Lordship mentions (which I am free to own I do not think it was) it must have been between that period, and the time of the enemy's force appearing before your lines. It may therefore be presumed, you

You could not have been prevented by any thing I said in that letter, as you did not receive it until after the latter event took place. But I readily admit, my Lord, that none of my letters could give you the least reason to suppose that an attempt would not be made to succour you. . .

Your Lordship will, I am persuaded, also forgive me, if I again take notice of the too positive manner in which you are pleased to speak of the opinion I gave you about the sailing of the fleet. As my words were, "there is every reason" "to hope we shall start from hence about the 5th October." And in my letter of the next day, for fear that should appear too positive, I say, "It is supposed" "the necessary repairs of the fleet will detain us here to the 5th of next month;" "and your Lordship must be sensible that unforeseen accidents may lengthen it out" "a day or two longer."

With regard to entrenching tools, the want of which your Lordship so much complains of, I can only say; that, by the returns made to me by the Adjutant General, it appears that 2500 had been sent to the Chesapeake, by the Engineer, since General Arnold's expedition inclusive; and that the first moment a requisition was made for more (which was not before the 23d of August) I ordered an additional supply to be sent, which were prevented from going by the arrival of the French fleet. I own, however, that I was not at that time very uneasy on this score, as I supposed it possible for your Lordship to have collected a sufficiency from the neighbouring plantations, any time before the investiture was begun.

December 10th. — I had wrote thus far, my Lord, immediately after the receipt of your Lordship's letter of the 2d instant. But considering that it was possible you might not have adverted to the implications, which your letter of the 20th October may be thought to bear, from the great agitation of mind and hurry, in which you tell me it was written; I was unwilling to give you, at that time, more trouble on the subject — in the honest hope that your Lordship's candour will induce you, most formally to disavow your having any such intentions, by writing that letter, in case you find, on your arrival in England, that the passages of it, which I have taken notice of, are understood as I suspect they may be, and I therefore intended to have sent this letter to a friend, to be delivered to you in London. But upon reconsidering your letter of the 2d instant, which I have had more leisure to do since my public dispatches were closed, I am of opinion that it is properer your Lordship should receive my answer to it here. . .

I have the honour to be

Your Lordship's most obedient and most humble servant,

(Signed) H. CLINTON.

P. S. Having forgot to speak to the part of your Lordship's letter of the 2d instant, where you say, "I do not recollect that any conversation passed between us the other day, before the publication of my letter, relative to my reasons for taking possession of the posts of York and Gloucester," I beg leave to do it here. — It is true, my Lord, no conversation passed from your Lordship on that subject — but, when in the conversation alluded to, I mentioned that I had directed you to examine Old Point Comfort, and fortify it, but that disapproving of that post, you had seized York — and that therefore York was your Lordship's preference — as you were pleased not to make me any answer, I took it for granted you agreed with me.

H. C —

Copy of a Letter from Sir Henry Clinton, K. B. to the Right Honourable Lord George Germain, New-York, 6th December, 1781.

M Y L O R D,

I have so often had the honour of delivering the same sentiments to your Lordship, that I must beg your pardon for again troubling you with the repetition — that I have ever been of opinion that operation should not be undertaken in the Chesapeak without having a naval superiority in these seas. — And to the want of it — and perhaps to that alone are we to impute our late misfortune in that quarter. Therefore when I did myself the honour of sending you a copy of Lord Cornwallis's letter to me of the 20th of October, I did not think it necessary to trouble your Lordship with any remarks upon some passages of it, which might seem to imply, that his Lordship had been forced into a bad post, by my orders, notwithstanding he had represented its defects, — and had been induced to remain there, contrary to his judgment, by the positive assurances I had given him of relief; — especially as your Lordship was possessed of our correspondence, which could in the fullest manner invalidate every implication of the sort, and I wished to have an opportunity of speaking to Lord Cornwallis before I said any thing on so delicate a subject.

Since Lord Cornwallis's arrival here, I have had a good deal of conversation with his Lordship upon this business — by which, and by the answer he has sent me to a letter I wrote him thereon (copies of which are inclosed) it appears that his Lordship admits this was not the case. But as Lord Cornwallis's disavowal is not so explicit and direct in his letter as I could wish, and I think justice to my character requires, I beg your Lordship's attention to the following observations — which I hope the anxiety I must naturally feel on this occasion, will plead my excuse for troubling you with — though they may not be necessary to vindicate me with your Lordship, who is already so competent to judge.

I am persuaded, that it will appear by my letters to Lord Cornwallis of the 11th and 15th of June, and those referred to by them; that I recommended his taking a healthy defensive station, either at Williamsburg or York, and desired that, after keeping what troops he might want for its most ample defence, and desultory movements by water, his Lordship would send me such a proportion of the corps (mentioned in a list) as he could spare, taking them in the succession they are there placed in. But his Lordship on the contrary (understanding that these letters conveyed a positive order to send me three thousand men, by which he says his force would have been reduced to about two thousand four hundred rank and file fit for duty, having probably at that time a numerous sick, told me in his answer that he could not, consistent with my plans, make safe defensive posts at York and Gloucester (both which would be necessary for the protection of shipping) and that he should immediately repass James River, and take measures for complying with my requisition. Finding therefore that his Lordship had so entirely misconceived my intentions, I immediately consulted with Rear Admiral Graves upon the subject of my letter; and the Admiral being of opinion that a naval station in Chesapeak for large ships was absolutely requisite, and that Hampton Road appeared to be the fittest for the purpose, I desired his Lordship, at the Admiral's request, to examine Old Point Comfort, in the mouth of James River, and fortify it — upon the supposition that a work there would secure that harbour — and if his Lordship thought a post at York necessary to cover Old Point Comfort, he was at liberty to take that also.

This order was sent to Lord Cornwallis in my letter of the 11th of July, and his Lordship's answer to it is dated the 27th, wherein he informs me, that having examined Old Point Comfort with the Captains of the King's ships and the Engineers, and being all of opinion a post there would not answer the purpose, he should, in compliance with the spirit of my orders, seize York and Gloucester, being the only harbours in which he could hope to be able to give effectual protection to line of battle ships. Copies of these letters are inclosed for your Lordship to refer to; and I trust it will appear from them, that the post at York was in this instance entirely his Lordship's choice. But never having received any representation from his Lordship, by which I could have the least conception he thought the ground disadvantageous, and liable to enfilade, (as stated in his letter of the 20th October) and supposing from the preference his Lordship had thus given it to the one I had recommended, that he fully approved of York and Gloucester, I own I did not oppose his laying hold of them; as I could not entertain the smallest doubt of their being defensible, and such a post as I had told his Lordship I wanted. And, indeed, if his Lordship had not now informed me that it was a bad one, the eagerness with which I understand the French have since seized, and are fortifying it, would incline me still to think well of it.

With respect to his Lordship's having been influenced in his conduct by the hopes of relief (which he is pleased to say I uniformly held out to him in all my letters) his Lordship could not be insensible that the possibility of effecting it, must have entirely depended upon the exertions of the fleet; which, as I was not authorised to promise him before the council of war held on the 24th of September, I am persuaded that the implication in his Lordship's letter, that I had done so before that period, cannot be supported (as indeed his Lordship now seems to acknowledge) by any thing I wrote to him previous to my letter of that date, which he received on the 29th. As therefore my letters of the 2d and 6th of September, which promise only my own exertions, did not reach his Lordship before the 13th and 14th of that month, and he did not before then know of Sir Samuel Hood's arrival, or that Admiral Graves had more than seven sail of the line to combat Monsieur de Grasse's force, whose arrival it appears from his Lordship's he knew of on the 29th of August, and supposed it to be twenty-five sail of the line; his Lordship consequently did not receive from me any hopes of relief before that time.

With regard to his Lordship's escape to New-York, immediately on the arrival of General Washington's troops at Williamsburg, (which his letter of the 20th October implies he was prevented from undertaking by the receipt of mine of the 24th September) I cannot help being of opinion that a retreat after Mr. Washington joined was impracticable, and that it was at no time to be effected to the northward, for reasons which I gave his Lordship. But had it been ever possible after the time his Lordship mentions, it must I think have been between that period and the time of the enemy's force presenting itself before the lines of York. And it is consequently presumable his Lordship was not prevented by any thing I said in that letter, as he acknowledges he did not receive it until after the latter event took place. But I readily admit, my Lord, that none of my letters could give his Lordship the least reason to suppose that an attempt would not be made to succour him: Though I must confess I think his Lordship speaks in his letter rather too positively of the opinion I gave in mine as to the time of the fleet's sailing — my words being “There is every reason to hope we shall start from hence about

the 5th of October." And lest even that should be thought positive, I the next day tell him "that unforeseen accidents may lengthen it out a day or two longer."

The complaint his Lordship makes of the want of intrenching tools, I can only answer by saying, that it appears from the Adjutant General's returns to me that 2500 had been sent by the Engineer to the Chesapeake with the different expeditions since the one commanded by General Arnold inclusive: and the first moment a requisition was made for more (which was not before his Lordship's letter of the 22d of August) I ordered an additional supply to be sent, which were prevented from going by the arrival of the French fleet. But I must own, my Lord, that I was not then very uneasy on this score, as I flattered myself it was possible for his Lordship to have collected what he wanted from the neighbouring plantations any time before the investiture was begun.

No man, my Lord, can feel more sensibly than I did for the unhappy situation of Lord Cornwallis, and his gallant army; whose meritorious conduct, spirit, and zeal, on all occasions, must heighten our anxiety and concern for their present fate. And therefore as his Lordship is pleased to tell me that his letter of the 20th October was written under great agitation of mind, and in great hurry, (which might possibly have prevented his adverting to the implications, which it may be thought to bear) I cannot at present wish to give his Lordship more trouble on the subject, (although his answer of the 2d instant is not so explicitly satisfactory as I expected it would have been); for, if the passages in that letter, which I have taken notice of, should be understood in Europe in any respect to my prejudice, I cannot doubt his Lordship will have candour enough most formally to disavow his having any such intentions. But if his Lordship, contrary to my expectation, shall not be inclined to do so; I must be obliged, though reluctantly, most earnestly to request your Lordship to render me that justice (which I am persuaded you think I deserve) by publishing this letter.

I have the honour to be, with the greatest respect,

Your Lordship's most obedient and most humble servant,

(Signed) H. CLINTON.

Right Honourable Lord George Germain.

March 8, 11, 12, 13, 15, 19, 20 and 21.

No debate.

March 22.

Earl of
Shelburne.

The Earl of Shelburne said, that he had on this day intended to have made a motion, for the removal of his Majesty's Ministers: he trusted their Lordships would agree with him, that there were the most just and solid grounds for such a motion, and consequently that he had not, for slight or frivolous reasons, caused their Lordships to be summoned
this

this day. — The deplorable state into which the army had sunk — the wretched condition of the navy, once the pride and bulwark of the nation, and the terror of our enemies — the distracted state of our finances, which were nearly exhausted — the glory and reputation of the country sullied, and almost destroyed, were subjects that afforded an ample field for melancholy reflection ; and fully justified the trouble he had given their Lordships to attend that day : but, above all, the state in which the country had been for the last three weeks, strongly argued the propriety of the motion, which, when he moved their Lordships might be summoned, he had in contemplation to make. His Majesty's First Minister had declared, that he held himself bound to obey the order which the House of Commons had, in its wisdom, made, relative to the war in America ; and yet the same Minister had repeatedly professed, that he did not understand that order : sorry he was, that the alarming situation of public affairs had made it necessary, either that the country should be completely ruined, or that the legislative should interfere with the executive power, and direct it how to act : but still more sorry was he, that, after such a disagreeable step had been made necessary, and taken, the administration of affairs should remain in the hands of those, who pretended not to understand the meaning of the House of Commons. It was, therefore, to remove such men from his Majesty's Councils, that he had resolved to make the motion which he intended to have submitted this day to the consideration of their Lordships ; but as he understood that the object of that motion was already answered, it rested with the House to determine whether it would be more proper to make it, or to suppress it : for his own part he was free to say, he no longer thought it necessary. A noble Lord in another House had said, (and at the same time he informed the House that he spoke from the highest authority) that his Majesty's ministers were no longer in office ; or if in office, that they remained only to transact official business : he did not doubt the truth of that assertion ; but when he reflected that the noble Lord to whom he alluded, had so completely rooted out of the minds of the people every degree of confidence in his word, it was not surprising that there should exist, as there certainly did exist, men who could not bring themselves to believe, that administration was at an end, or that what that noble Lord had said, might be relied on. He confessed that, at the same time that he admitted the propriety of their diffidence in that

Minister's word, he himself did not entertain a doubt, but the declaration he had made to the other House, was founded in truth ; because he thought that to attempt to deceive Parliament by such a declaration was so scandalous, so hazardous, and so dangerous a measure, that he believed not one of his Majesty's ministers could be found so hardy as to resort to it. If he should be mistaken in this opinion, which he trusted he was not, he would go as far as the power of Parliament would permit him, to punish their audacity. — Taking it then for granted that the object of his motion was already attained, he thought it would be inexpedient to press it upon their Lordships ; and that it would be proper to wait until the wisdom of his Majesty should form such an administration, as might carry with them the confidence of the people, save the empire from destruction, and rescue the character of the nation from contempt : when such an administration should be formed, he pledged himself to give them his most firm and cordial support, as long as they should act in conformity with those principles which he had uniformly maintained in that House : he had, in his political character, acted always upon principle ; and upon principle he would continue to act to the last moment of his life. He would not say more ; this was not a time for professions ; the times were critical and dangerous ; and men must soon be known by their acts and not by their professions.

Lord
Stormont.

Lord *Stormont* spoke next. He said, that he would not trouble their Lordships with many words, as no motion had been submitted to their consideration : to the lamentations of the noble Lord over the calamities of this country, he was ready, most sincerely, to join his hearty wishes, that an administration should be formed, that might restore the kingdom to its former greatness, glory, and reputation : this had been the constant wish of his heart, and of all those with whom he had had the honour to act as a minister. To the general censures thrown out against administration, he could make only this general reply, that his Majesty's ministers held themselves to be responsible for their past conduct, and that they were ready to submit to the judgment of their country, whenever they should be called upon, conscious that it would be found that they had, to the best of their abilities, pursued, during the course of their administration, the interest and prosperity of the kingdom : from the particular situation in which he had passed a considerable part of his life, he had a much longer account to make up than any other
of

of his Majesty's servants; but long as was that account, he would with pleasure stand the scrutiny of parliamentary investigation, whenever Parliament should think proper to call upon him. The noble Lord had raised his astonishment to a very great degree indeed, when he said that another noble Lord, in another House, had so worn out all confidence, that his word could no longer be trusted to. [Here Lord Shelburne said, in a low voice across the House, all *public* confidence.] For he trusted that the noble Lord who had spoken last, would be found to be the only person who held such an opinion of the noble Lord in the other House. He would not then make any comparison between the noble Lord alluded to, and any of his predecessors; he would not compare him either with any living minister, or with those on whose memory time, and the general voice of the public, had stamped the impression of greatness; but this much he would say of that noble Lord, that his character had conquered even envy; to the most splendid talents he added the most ardent zeal for his country's good, and the glory of his Sovereign; the most perfect disinterestedness, and such un sullied integrity, that even slander had not dared to tarnish it.

That noble Lord was also ready to submit his conduct to the judgment of his country; he would place his life, and what was more, his honour, in the hands of that House, because he knew they did not make either the highest panegyric on the one side, or the most severe and general invective on the other, the standard of their decisions.

Lord *Shelburne* expressed his hope, that the House would excuse him if, though there was no motion before them, he should make a few observations on what had fallen from the noble Viscount; and explain to him one thing, in which he found he had not been properly understood: when he said, that the noble Lord in the other House had worn out all confidence, he meant, that as a minister he had so often imposed upon the credulity of the nation, that they could no longer repose confidence in him as a public man. This was a charge which had been often urged to the noble Lord in question, and which had never been so much as denied, and much less, had never been disproved. That there were many men who did not believe that noble Lord's declaration in the Lower House was a fact, which he would assure the noble Viscount, upon his own knowledge, to be true; and he hoped his Lordship would give him credit for this assertion, without calling upon him to point out and name the particular Lords, who without
any

any privacy, secrecy, or management, had frankly declared to him, that they could not bring themselves to believe that the noble Lord in the other House was sincere in his declaration : he had listened, he said, with great patience, to the noble Viscount's descanting upon the merits and character of that noble Lord ; nay he had listened to him with pleasure, as to the wording of the panegyric of his friend ; but he must confess at the same time, that the panegyric had greatly surprised him : it was natural for one minister to praise another, and therefore he could not be surprised at hearing the noble Viscount praise his colleague ; but he was surprised at hearing the panegyric of a character, which, he believed, no one member of that House, the noble Viscount only excepted, would have ventured so much as to defend.

The noble Viscount had expressed great readiness to submit his conduct to the judgment of Parliament ; he had thrown down the gauntlet, and challenged an enquiry ; he seemed to exult and triumph at the result of it ; but their Lordships had too much experience to be in danger of being imposed upon by mere sounds. He himself was not an old man, but he was old enough to remember similar challenges thrown out in that House, to provoke, as it were, an enquiry ; he had often heard men speak big when enquiry and danger appeared to be at a distance ; but when that distance began to lessen, and enquiry seemed to be advancing apace, then he had remarked a great alteration in the language of those men ; their voice fell, their high words were softened down, and they then as studiously began to shun enquiry as they had formerly pretended to provoke and defy it, while it appeared at a distance : he wished that the noble Viscount might not resemble those men ; he wished that his language might be at all times as lofty and bold as it had been that day ; and he wished that he should be always able to preserve on his countenance that lively smile, which in times like the present, when the nation was nearly undone, must by every one be thought so very becoming : for his own part, he was not by temper an accuser, and therefore he would not say, that he ever would move an enquiry into the conduct of the noble Viscount, and his colleagues ; but, at the same time that he declared he was not by temper an accuser, he would assure the noble Viscount, that he was not, by character, a screener of culprits ; and that if others should be desirous to bring forward that enquiry which the noble Viscount appeared so much to court, and from which (he could not tell with what

ground

ground for confidence) he promised himself so much honour, he never would stand between that Minister and his colleagues, to shield or screen them from enquiry, and the consequences that might attend it.

His Lordship concluded by observing that, as he could discover they did not wish him to make his motion then, he would suppress it for the present.

Adjourned to the 25th; and on the 25th, adjourned again to the 11th of April.

April 11.

Lord Ashburton (late Mr. Dunning) introduced and sworn.

As soon as this ceremony was over, Lord *Shelburne* delivered to the Chancellor the following message from the King: Lord
Shelburne

G E O R G E R.

“ His Majesty being concerned to find that discontents and jealousies are prevailing amongst his loyal subjects in Ireland, upon matters of great weight and importance, earnestly recommends to this House, to take the same into their most serious consideration, in order to such a final adjustment as may give mutual satisfaction to both kingdoms.

“ G. R.”

The message having been read, his Lordship observed, that it would be highly criminal in any minister not to take the very earliest opportunity to submit to their Lordships consideration, the very alarming state of the kingdom of Ireland; but that it would be still more criminal in him, who had so often accused the late administration of the most shameful neglect on that head. He thought it unnecessary to remind their Lordships of the several motions that had been made in that House, in order to prevent affairs from coming to that crisis in Ireland, of which his Majesty's message conveyed an intimation; that crisis which he had foreseen, which he had so often foretold, and which he had so often attempted, but in vain, to prevent, was now arrived; the question therefore now was, How the discontents of Ireland might be removed? When that country called for a free trade, to which she certainly had a good right, England thought proper to make concessions, and great concessions they were; it might therefore have been expected that the late servants of the Crown would have availed themselves of those concessions, so far as to stipulate for some system, which should in future secure the political connection of both countries; but that opportunity

nity was lost, and that connection, which had lasted so long, to the mutual advantage of both England and Ireland, was brought into very great danger. He said it would be unnecessary in him to lay before their Lordships any documents relative to the present state of Ireland; it was a matter of such public notoriety, that he was sure every noble Lord present was already fully acquainted with it; but he held it to be necessary to assure their Lordships, that nothing should be omitted on the part of those persons, who were now honoured with his Majesty's confidence, to bring the affairs of Ireland to a happy issue, to the mutual satisfaction of both countries. He would not, however, deceive their Lordships; the task was delicate, if not difficult; for the negligence of their predecessors in office had raised up obstacles which a vigilant administration would have prevented. But, after having given the disagreeable side of the picture, he thought it his duty to shew the other side, and to speak some comfort to them in the present very arduous state of affairs. From all he could learn from Ireland, he could assure their Lordships, that there existed in that country a fund of loyalty and attachment to England, which no misfortune or calamity of the latter had been able to shake. He would assure them that Ireland had not the least disposition to look elsewhere for friendship and connections; the people of that country were at once the brethren and the children of England; it was to England alone that they looked up; nor did there exist among them an idea of separation; determined to stand or fall with her, they wished to have no friends but the friends of England; and to hold all those for enemies whom England should have to contend with: however they had claims upon this country which they did not appear likely to relinquish; they were steady to their purposes; but he was happy to inform their Lordships that they blended moderation with their steadiness; they were no less temperate than steady. To keep them temperate should be the great object of his Majesty's ministers; he had always given it as his opinion, when in opposition to the late administration, that deference ought to be had to the voice of a people; this was a principle, from which no change of situation should ever make him depart: the voice of a people, however conveyed, ought to be attended to; nor should vain forms (vain, impolitic and frivolous indeed on such occasions) prevent a wise administration from listening to it. It was of the essence of liberty that citizens should freely discuss their rights; and he

he should ever prefer their language delivered with freedom, to those dark and secret councils, better calculated to deceive and mislead, than instruct and direct an administration : he should be happy at all times to hear the people of the three kingdoms speak out their sentiments ; such sentiments delivered unbiassed and with freedom, should always be a law to him ; it was upon the principle of acting up to the wishes and interest of the people at large, that he and his colleagues founded their hopes of being well supported in all their measures, because they flattered themselves, that their measures should never be other than the measures of the people : to the benign disposition of his Majesty, and the firm support of a people, whose interest should be the true rule of their conduct, he and his colleagues looked up ; with these sentiments he flattered himself, he might venture to assure their Lordships, that notwithstanding the disordered state of affairs, in which they found the empire, when his Majesty was graciously pleased to honour them with his confidence, they would be able to restore harmony, unanimity, and content, at home ; and make our affairs abroad, assume a better aspect.

His Lordship moved an address of thanks to his Majesty, for his most gracious message ; which was unanimously agreed to,

April 11.

No debate,

April 15.

Lord Shelburne brought the following message from the King :

G E O R G E R.

“ His Majesty taking into his tender consideration the very large supplies granted to him by his faithful Commons, and the liberality and fortitude, with which his people had supported him, in the process of the present arduous war, recommends to his faithful Commons a strict attention to œconomy ; and, as an example to his people, he himself has determined upon a reformation in his civil establishment : he is determined to use no reserve with his people ; for, considering them as the best resource for the Crown on every pressing occasion, so he relies upon them as the best security for its dignity.

G. R.”

Lord
Shelburne.

The message being read,

Lord *Shelburne* said, that messages from the King were usually looked upon to have been fabricated by the minister; but he could undertake to pledge himself to their Lordships, that the present message was a departure from the general rule; it was the voluntary language of the Sovereign himself, proceeding from the heart, and should, as he made no doubt it would, call forth from their Lordships the warmest zeal, and the most unfeigned gratitude. It was a plan becoming the dignity, wisdom, and feelings of a great and good Prince; was already earnestly sought for by the public; and on those two very strong and relative grounds, he was satisfied it would meet with the united concurrence of every part and description of men, within or without that House. Parliament, he made no doubt, would instantly patronize it; the people would rejoice at such a plan of œconomy, and the general joy diffused through the nation would be universally heightened, when his subjects were informed, that its completion would add to the happiness of the best of Sovereigns. The plan, it might be said, was very comprehensive indeed, and embraced a great variety of objects. Nay, it might be said, upon a transient view, that it was in some measure complicated. Upon a nearer approach, he trusted, those objections would instantly vanish, particularly when it was maturely considered, and fully digested.

Whatever the particular distinct parts might be, the great object would be kept steadily in view, an œconomical reform, the saving to be faithfully applied to the uses of the state; and the cutting off those resources of influence which were so derogatory to the spirit of the constitution, and had in their consequences proved so fatal to this country.

His Lordship took an opportunity here of paying several handsome compliments to the abilities and conduct of the Commissioners of Accounts, whom he represented as indefatigable, impartial, well informed, and faithful to the important trust committed to their care. The reports of those gentlemen were now on the table, and from the very extensive and various objects they took it, would, in his apprehension, demand much consideration.

He hoped, that nothing would prevent a very full and numerous attendance of their Lordships, when those voluminous papers came to be considered; and he farther hoped, that no narrow idea should go forth, that it was a plan proposed by the present ministry, and recommended by them to their

Sovereign.

Sovereign. All the abilities of that House would be wanted, and therefore he trusted the business would be taken up on public ground, and that the whole might be determined exclusively on its own merits, independent of every other consideration whatever. He should, with cheerfulness and candour, as it was his duty and inclination, attend to every proposition which might be suggested by noble Lords, to render more perfect; and if he should not approve of the amendment proposed, he would fairly and openly assign his reasons, though he must confess, he should be much more happy to have an opportunity of adopting than rejecting.

He by no means said, that he intended to frame his bill on the model of that which had, about two years since, been so long agitated, and repeatedly debated, in another House. He was at present, in that respect, a free man, and was resolved to continue so. He might or might not differ from the opinions so warmly urged in the other House. So much, however, he would pledge himself for, that he would be ready to profit by the advice, assistance, and abilities of every noble Lord in the intended progress of the bill.

The message was couched in terms which must prove grateful to every man who esteemed the Prince, and regarded his country: it expressed a most generous and amiable confidence in the Sovereign, that his people would ever support the dignity of the Crown. His Majesty's reliance was well founded, for he was convinced there was not a noble Lord present, who would not be more solicitous to make the Crown the most ample allowance, than in advancing his own views and interests.

His Lordship spoke besides on other topics, in explanation of his general sentiments. He particularly dwelt on the political and domestic virtues of the Sovereign. He assured their Lordships, that no parent could have more sincerely at heart, the ease, happiness, and benefit of his own children, than he entertained for his people. He fondly and tenderly loved them. His Lordship moved the address of thanks, which was agreed to unanimously.

April 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, and 29.

Private business.

May 1.

The order of the day was read, for the second reading of the bill, intituled "an act for restraining any person concerned

in any contract, commission, or agreement made for the public service, from being elected, or sitting and voting as a member of the House of Commons :” the same being accordingly read a second time, it was moved to commit the bill.

Lord Chancellor.

The *Lord Chancellor* then left the woolfack, and made a very long speech against the bill. His Lordship began with stating, that he had expected before the bill had got to that stage, that some noble Lord would have risen, and been so good as to explain to the House, the grounds and principles of it, and shewn what degree of necessity it was, that pressed for bringing in a bill on those principles, just at that time, and so late in the session as the month of May. Heretofore that single argument, of the lateness of the period of the session, had been thought a sufficient objection to the agitation of any bill of so material a consequence, as to trench on the ancient constitution of this realm; and upon the strength of that argument alone, noble Lords whom he had been accustomed to see sitting on that side of the House, and who still sat there, though now in a very different situation, had more than once supported him in opposing such bills, and preventing their passing, without the House having a better opportunity of discussing them, in that deliberate, serious, and solemn manner, which their magnitude, extent, and importance loudly called for. No one noble Lord, however, having taken the trouble to explain the grounds and principles of the present bill, and to satisfy the minds of their Lordships, that those principles were sufficiently wise and expedient, to warrant the passing any bill; much less to endeavour to prove, that a bill, so highly exceptionable in itself, and so much more exceptionable in its form, from the very singular, imperfect, careless, and inexplicable stile and phrase in which it was worded, ought to pass at all, let its principles be never so wise, or never so expedient, he must of necessity suggest to the House, what he supposed were likely to be the grounds on which its defence would be rested by those, who best approved of it; and endeavour to prove to the House, that those grounds were such, as by no means justified so violent an innovation on the ancient constitution, any more than the provisions of the bill were calculated to enforce its principles, and apply a remedy, in any shape adequate to the pretended grievance, which was presumed, as the matter of necessity that called forth such principles.

Having urged this very strenuously; his Lordship said, he conceived the grounds of the bill to be two-fold; the first to be

be with a view of furthering public œconomy ; the second with a view to check and bear down that influence, which it had been the fashion to cry out against of late years, as too predominant in both Houses of Parliament. He would, he said, for the present, postpone the considerations of the second ground, and confine himself to the first. Public œconomy, and by these terms he begged to be understood as meaning that object, œconomy in the management of the public expence, in the proper and large sense of those words, was what he had always anxiously recommended; as the thing to be most cautiously and scrupulously attended to by this country at all times, but more especially in a moment of so much embarrassment, expence and danger, as the present. It was what he was convinced was a matter without which neither this nor any other country, pressed and goaded on all sides by public distress and difficulty, could expect a possibility of relief ; much more, look forward with a tolerably reasonable prospect of coming to the happy hour of recovery, salvation, and security. Feeling as he did, he should most heartily rejoice at meeting with, and most readily adopt every proposition founded in true wisdom, and tending to enforce a real reform in point of œconomy ; but was it consonant either with sense or reason, blindly to catch at puny regulations, by no means answering the pretences on which they were brought forward, and with an avidity bordering on phrenzy, pass bills into laws, which, under the affectation of being bills of œconomy, when properly examined, would be found to be no such thing, but to be merely bills, the aim and effect of which, were to deceive and betray the people.

He declared, he did not mean, by applying strong words to the bill in question, to give it a worse character than it really deserved ; but after having perused it with all the attention he was capable of, and read it with the most careful studiousness, he could find no words in the English language, that so correctly described the impression his perusal of the bill had left upon his mind, as terming it, an attempt to deceive and betray the people. With regard to the principle of œconomy, he saw not in any one point how it was likely to enforce that principle, or where, under the operation of such a law (should the bill pass into a law) any saving of the public expence was likely to be effected.

With regard to the second ground that he had mentioned, namely, the checking and bearing down the supposed influence that had been said to be predominant in Parliament, he could
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not discover, by all the art he was possessed of, how, even if the influence prevailed in never so extensive a degree, the bill was likely to put a stop to its prevalence. He supposed those who befriended the bill used some such argument as that of alledging, that ministers were so determined to corrupt, and members of Parliament so willing to be corrupted, that the former gave, and the latter accepted, contracts made in private, and upon terms so disadvantageous to the public, that immense fortunes had been gained by them; for which robbery of the state, the member of Parliament consented to sell his vote and his conscience unreservedly to the minister. Stating the case in that way, and he knew not how to state it more strongly, or more advantageously, in support of that principle of the bill which he was then discussing, he had but one question to ask before he proceeded farther, and that was a question on which the whole of the truth of the argument rested; Did the case exist, or had it ever existed? If it had, the severity of the bill, severe and harsh as it was, fell infinitely short of the degree of punishment due to the enormous weight of the crime. Could such a case be made out, he would by no means agree to treat it so lightly, as to enforce such a law as the present bill would amount to; he was ready, if proof of such a monstrous degree of guilt could be brought home to the door of a minister, to join any noble Lord, and immediately enforce such legal steps as should be most likely to bring so enormous a criminal to condign punishment; for in his mind there did not remain a shadow of a doubt, that no possible legal vengeance, no bill of pains and penalties, no impeachment by the Commons, no sentence by the Lords, could be so severe as to amount to a punishment sufficiently exemplary for such an aggravated instance of abuse of power, and breach of confidence. But, if no such instance had ever occurred in the worst of times, why pay so bad a compliment to succeeding ministers, as to presume that they would be so much more depraved, so much more abandoned, and lost to all sense of shame, as to be guilty of what no ministers had as yet been guilty of? What reason had those, who favoured the present bill, to suppose that ministers would be more corrupt than the ministers that had heretofore been in power? [A noble Lord near his Lordship said, "no ministers could be more corrupt than the last."] His Lordship declared he was relieved from some difficulty, by being told, that no future ministers could be more corrupt than former ministers; this made most powerfully for his argument, because, if such instances of undue influence

influence never had occurred in the times of those ministers who were stated to be the most corrupt ministers that ever could exist, it was certainly warrantable to argue, that no such influence would be exerted in future; and therefore the necessary and obvious conclusion was, that there could be no occasion whatever to pass a bill, avowedly trenching on the ancient constitution, and which was declared to be meant as a remedy to a pretended evil, now acknowledged, on all hands, neither to have existed as yet, nor as possible to exist in future! To what end then pursue the measure one moment longer? To what purpose would their Lordships waste their time in agitating a bill, that held out nothing like a reform, either in point of œconomy, or in point of influence?

His Lordship said, if he understood this country well, it was a mercantile country: such was the effect of the high credit of the British merchants, that it even had an ascendancy in the eyes of all the world, and bore no sort of proportion to their opulence. Why, then, separate the mercantile interests from those of the rest of the kingdom? and why say, that merchants alone, from whom the most important information might be obtained, on points of the greatest political interest and magnitude, should not have seats in the House of Commons? On the mercantile credit, the credit of the country depended; and he saw not how their having connections with government, materially serviceable to the latter, and by no means incompatible with the usual avocations and concerns of the former, rendered them more unfit to be in Parliament, than any other description of Englishmen. It was not even pretended, nor would any man venture to insinuate, that the holding of a contract had any influence whatever on the parliamentary conduct, or votes of those merchants who held contracts at present: why then pass a bill that affected to brand those with a public stigma, (for it was in vain to say, that the bill did not so brand them) who had, in no part of their lives, done any one thing that should cause them to be singled out to endure such treatment? There was one gentleman, in particular, who was clearly an object of the vengeance of this bill, and that was Mr. Harley — a gentleman of high birth, unimpeachable character, and unquestionable honour: Mr. Harley was the representative of a large and opulent county, a county full of gentlemen of great wealth and respectability, who, knowing his connections with government, had chosen him their representative a second time; and that after the former bill, the

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copy of a part of which had been agitated in Parliament, and rejected by their Lordships. Would their Lordships, then, now consent to brand Mr. Harley with so severe a censure as the bill must inflict on him? Would they punish him with parliamentary incapacity? Would they declare that the gentlemen of the county he so honourably represented in Parliament, ought not to have chosen him their member.

After pressing this very strongly, his Lordship used a variety of other general arguments against the bill, and said, forcible as the objections he had laid down were in his mind, he would not leave the matter to rest there, but would go into a short review of the two first clauses, to shew in what an ambiguous, inexplicable manner they were worded. His Lordship then referred to the printed bill, and contended that it was impossible for men of ordinary understandings to comprehend what was the essential difference between the two clauses. The first, in purport, enacted that "after the end of this session, all persons holding contracts for the public service, shall be incapable of being elected, or sitting in the House of Commons;" and the next enacted that "any member, accepting a contract, or continuing to hold any contract, beyond the present session, his seat in Parliament shall be void."

Upon these clauses his Lordship descanted for a considerable time, and pointed out from the wording of them, and other clauses, that the extent of the operation of the bill was infinitely greater than their Lordships could possibly have conceived. After stating that these alterations might, and he hoped would be made in a committee (if the bill went to one) he again recurred to general remarks on the principle and tendency of the bill, denying that the principle was either just, wise or expedient; and maintaining, even if it were just, wise and expedient, that the application was, by no means consonant to the principle. He also reminded the House that, two years ago, when a contractor's bill, infinitely less exceptionable than the present, was brought up to that House, and arrived at the very stage at which the bill then under consideration was arrived, several Lords spoke, and others voted against it; all of these, therefore, were bound to act consistently now, and either to abide by their former vote, or to state reasons, of sufficient cogency, for having altered their sentiments upon the bill, to surmount the abusive attacks, and scurrilous insinuations of anonymous libellers, who would not fail to take notice of their conduct that day: such illiberal

ral assassins, and scribbling garretteers were, he said, but too prone to point their pens at the conduct of public men, without a cause; it behoved their Lordships, therefore, to act so as to be able to laugh libellers to scorn, and defy their malice. The matter in question was of a very serious and important nature; that was not the moment for any of their Lordships to shrink or to run from an opinion. The bill, in its present form, was not the hasty production of the moment; it was not the effusion of sudden thought; it was the deliberate offspring of two years mature reflection and judgment; and it was now converted into a bill of pains and penalties: their Lordships must therefore answer to the people for their vote; if they absented themselves from the House, or acted differently from what they had formerly done, without assigning a reason for so doing, the public would not be satisfied, or think them unmeriting of censure, for their want of consistency. Having enforced this with some energy, his Lordship went into other relative considerations, and after having been upon his legs for a considerable time, concluded with moving, "that the bill be not committed."

The Earl of *Coventry* made a short speech in support of the bill. His Lordship said, a great deal of what had fallen from the noble and learned Lord on the woolstack, went merely to matters that might be altered and adjusted in the Committee; there certainly were parts of the bill that called for alteration. The Earl pointed out one in particular; and added several arguments of a general nature, to prove the necessity of passing such a bill. He said, no man had a right to contract with himself; that Parliament were the trustees of the public; and that if any of its members were allowed to hold lucrative contracts under government, it struck him, that such members, if contractors, must feel the loss of their free agency. He therefore gave his hearty assent to the commitment of the bill.

The Duke of *Richmond* rose, to defend the bill from the attack of the Lord Chancellor: his Grace complained of the sallies of humour of the learned Lord: and said, the motives of those who originally introduced the bill into Parliament, and who had now matured it, were too good, and too free from any thing meriting contempt, to deserve to be treated in a ludicrous manner. With regard to the bill itself, the Duke said, it was a bill that but little concerned their Lordships, as it was a mere regulation of the House of Commons made and agreed to by the House of Commons itself. For the

sake, therefore, of the greater solemnity, and in order to give the reform the greater sanction, the House had stated it in the shape of a bill, and submitted it to their Lordships consideration, in order that it might have the authority of the three branches of the legislature; and by that means pass into a law of the realm. Should their Lordships reject it (which he trusted they would not do) the House of Commons had a remedy in their own hands. They had the power of making rules and orders for themselves; and by a resolution of their own, they might carry all the clauses and provisos of the present bill into full effect. His Grace enlarged upon the principle of the bill, and its application; and denied that the attempt was novel, or that it was, as the learned Lord had stated it to be, a small reform, compared with the great design of general reformation which was soon to be brought forward: it certainly was not a large part, but it certainly was a very essential one of the whole plan: nor was it without precedent; the Boards of commissioners of the navy, victualling, excise and customs, had been rendered incapable of sitting in the House of Commons, and that had not been complained of as any hardship. Where, then, was the greater injury done to the contractors? or where the greater odium cast upon them by the present bill, than had been done to, and cast upon the commissioners above-mentioned, by the bill that incapacitated them from sitting in the House of Commons?

His Grace denied that there was the smallest portion of injury or odium reflected on either: both bills were necessary efforts of resisting and preventing undue influence; and as the one had been attended with the most salutary consequences, so, he had no doubt, would the other, which was, he was convinced, and he flattered himself most of their Lordships were convinced likewise, most essentially necessary.

His Grace answered the arguments of the Lord Chancellor, with respect to each of the grounds of the present bill; and strenuously contended, that its application was such as its principle required, to give it force and effect. He declared himself not a little astonished at seeing the learned Lord attempt to intimidate their Lordships from supporting the bill, by urging them to vote against it, on grounds of consistency; but most of all was he astonished, to have heard from the learned Lord, arguments built upon so paltry an idea, as the dread of what anonymous paragraph and pamphlet writers would say of their Lordships, if they supported the bill. He owned, the learned Lord was the last man living
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from whom he expected such a species of terror to be held out on any occasion. He had ever conceived that the learned Lord, above all other men in existence, entertained the most sovereign contempt for anonymous news-writers and scribblers; and that he neither would have suffered such mean instruments of detraction to influence his own conduct, in the smallest degree, nor have condescended to hold them out, in terror to their Lordships. His own opinion was, that it was his duty, and the general duty of the House, so to act, as to satisfy the expectation of the people, who had an indisputable right to examine into the conduct of Parliament; but to be above the reach of such low abuse as that alluded to. He advised them to do what was right in itself, and to care not what consequences followed. The bill was most essentially necessary, and especially in the present moment. Had it passed two years ago, he was persuaded many of the calamities the country then felt so grievously would have never happened: to pass the bill now, would, he was convinced, tend greatly to give the people without doors, a good opinion of Parliament, and to restore to that House, once more, the confidence of the public: their Lordships must see that both these objects were extremely desirable. Against the charge of inconsistency, if noble Lords thought differently of the bill now, from the sentiments they had entertained of it two years ago, the Duke opposed the fact of the bench of Bishops having agreed to the bill in favour of the Dissenters, on its being a third time sent up to that House, and after they had twice given it a strenuous opposition.

The *Lord Chancellor* left the woolsack again, declaring the noble Duke had inflated his words; and, as what had fallen from the noble Duke, was more likely to be remembered than what had fallen from him, he thought it highly necessary, however disagreeable, to be obliged to rise for that purpose, (as it at all times was) to endeavour to prevent a false impression from getting abroad. His Lordship then asserted, that he had never mentioned anonymous libellers with a view to intimidate their Lordships with the dread of their attacks; on the contrary, he had expressly recommended it to their Lordships to act consistently; or, if they had changed their opinion, to defend that opinion with a cogency of reasoning that would place them above the reach of paltry pamphlet scribblers, and anonymous news-writers. His Lordship added, that he never had said a syllable tending to insinuate any thing prejudicial with respect to the motives of those who had

brought in the bill originally, and again on the present occasion: he had confined all his arguments to the bill itself, and to that only had he directed every part of his argument. The noble Duke had been pleased to say, that the House of Commons had a remedy in their own hands, in case their Lordships rejected the bill, because they might come to resolutions, respecting themselves, that would nearly have the effect of laws: to this he replied, he ever would maintain the contrary; the House of Commons had no power or authority whatever to make resolutions, altering the constitution, that would have any effect approaching to the effect of laws. They might try their power, but they could not alter the constitution on their authority, independent of the concurrence of the other two branches of the legislature. That was the law, and he trusted it ever would remain so. With regard to his opinion of the present bill, so far from saying that it would effect a small reform, as his Grace had chosen to say he had, his express declaration had been, that it was no reform at all; for the fact was, it was not even the semblance of a reform; a fact as plain as that two and two made four, or any other proposition the most simple that could be supposed.

Duke of Richmond. The Duke of *Richmond* rose again, and contended that the learned Lord's explanation had not, in the smallest degree, proved that he had either misunderstood, or misstated the learned Lord's argument. His Grace repeated what he had before said on the points the learned Lord had endeavoured to explain, and comparing it with the learned Lord's explanations, appealed to the House whether the purport of both was not pretty nearly alike.

Lord Mansfield. Lord *Mansfield* spoke against the bill. His Lordship said, had he altered his mind respecting the bill, he should not have been at all alarmed, nor have been afraid of the charge of inconsistency, because, without being liable to the smallest imputation of want of consistency, wisdom or virtue, different opinions might undoubtedly be held by the same persons, at different times, of the same bill, under different circumstances. His Lordship remarked, that the only reasons assigned in support of the principle of the bill on former occasions, had been repeatedly and fully controverted. A noble Lord had that day assigned a new reason why the bill ought to pass, and that was, "that no man should be allowed to contract with himself." It so happened that this reason did not apply. If a minister himself held a contract, the minister would be criminal.

minal. The right hand ought not to contract with the left. But the minister and the member of Parliament were persons totally distinct. Just so the commissioners of the customs, excise, navy, and victualling, had been mentioned inappositely. They had been incapacitated at the end of a session of Parliament, and not by a bill of pains and penalties. His Lordship declared, that there was no instance of complaint, that a contract was not fulfilled, that he knew of, and that was an argument against the bill. When the bill was originally before their Lordships, two years ago, he had conceived a strong dislike to it; he felt the same dislike now, and for the same reason, viz. because it appeared to him to be a bill big with most cruel oppression to individuals. If it were so in its original form, it surely was much more so in its present shape. By the clause now added, it became a bill of pains and penalties, because, notwithstanding all that had been said, there and elsewhere, that a member of the House of Commons, holding a contract, had an election; there was no other election in the case, than an election of two evils; he must either lose his seat in Parliament, which was too great an honour to be parted with by a gentleman of the smallest share of sensibility on any consideration; or he must part with his contract, which might not only be a very advantageous thing, but in such a train, at the time, as to be extremely inconvenient to be parted with. When a contract was made fairly and honestly, there could be no influence if the bargain was settled in the manner all bargains ought to be, viz. where the merchant, on the one hand, contracted upon as reasonable terms as the situation of the market at the time would allow; and as low as the minister, on the other hand, could obtain; where was the favour either way, and whence could arise the influence! But there great inconvenience might result from obliging a contractor suddenly to resign his contract: the period which the present bill fixed as the period of ultimate discharge, to avoid incurring the penalty, might be just that time when, in consequence of former orders, large quantities of the matters which the contractor had bound himself to deliver, in the course of his contract's existence, might come into his hands. He might by that time have got a number of clerks, all in train and practice, and a variety of other circumstances, of a different kind, which their Lordships might easily conceive were probable. The Earl said, men were too apt to run away with general notions, and from superficial ideas, to persuade themselves that, what was appar-

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rently most fair, was in fact most advantageous. Thus, with regard to contracts, it was pretty generally imagined that the lowest bidder ought to have the contract — nothing could be more fallacious than that idea. If it prevailed, not one contract out of five would be fulfilled. His Lordship said, he hoped another maxim would ever govern the practice of contracting on the part of ministers; and that the most solvent bidder would be the object of greatest consideration to the minister, because, if the consequences of a contract of importance, not being fulfilled, were duly considered, that circumstance would be found to be infinitely the most material. With regard to the bill's not conveying a species of odium and censure on all contractors, his Lordship said, that the whole tendency of the bill as fully conveyed that idea, as if it had been printed in large capitals, in the most conspicuous part of the printed copies. The Earl added various other strong reasons why such an unconstitutional bill ought not to pass, and therefore declared he should vote against its being committed.

Lord
Camden.

Lord *Camden* (President of the Council) expressed his astonishment at the laborious industry exerted by the noble and learned Lord, who first rose to oppose the bill, and said, he was at a loss otherwise to account for the noble Lord's spending so much time in speaking to the question, unless it were with a view to cke out a debate for several hours, which, without such means, would furnish very little matter, in his apprehension, for solid or rational discussion for half an hour.

The bill presented to his mind but one idea; it was simple and obvious. Though he did not recollect another passage in the noble Lord's speech to which he could accede, he was ready to adopt his Lordship's introductory observation. The learned Lord said, that to consider the question fairly, the principle of the bill should be examined and impartially considered, and an application made of that principle, to the subject matter before the House. On this he was ready to join issue with the noble Lord, and, in imitation of his Lordship, ask the House, in the first instance, what the principle applied to, and, after discussing that, see how far it applied.

He believed there was no noble Lord who heard him, that doubted of the existence of influence in one shape or other, however denominated, or whatever shape it might assume lately. A very able and respectable member of the other

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House, (Lord Ashburton) but now removed into that, on account of his many public virtues; — his inflexible political integrity, and great talents, moved a proposition, which was carried against the minister by a considerable majority, “That the influence of the Crown was increased, is increasing, and ought to be diminished.” This was a full acknowledgment upon record of the existence of that evil, which the principle of the bill was calculated or intended to remove. He would not say that an improper or corrupt influence had operated on their Lordships in a single instance; his regard for the honour and dignity of that House prevented him from entertaining such an idea; — but so far as proving the existence of such an influence as that described, he trusted that no person could now seriously call it in question.

Well, if the principle was clearly shewn to exist, the next point to be settled was, how far the provisions of the present bill applied, and in what manner it was likely to operate. This second part, respecting the application, had been strongly combated by a learned Lord who spoke later, (Mansfield) His Lordship described it, as well as the other learned Lord, to be fraught with singular hardship. He said that all contracts were binding upon the parties, according to their nature and objects. Most certainly, it was not attempted to be controverted; and that contracts well and faithfully performed, agreeably to the conditions on which they were entered into, answered every purpose intended, whether made with a member of Parliament or any other person; while on the other hand, if violated on the part of the contractor, they were, *ipso facto*, vacated, and the contractor liable to be compelled to make good all the damages sustained by the public; to which the learned and noble Lord tacked two observations; first, whether it was not better to enter into an agreement with a merchant of opulence, reputation, and high mercantile character, though a member of Parliament, than to a person who was destitute of those essential requisites in a contractor; and in case of failure on the part of the latter, if it would not be right and prudent for Government to have a person to be responsible, who would be able to make good the damages sustained by the public. So far as those arguments applied to a case really existing, he was ready to subscribe to them without reserve; but it remained to be proved that they applied at all in the present instance.

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The learned Lord who first rose, called in several collateral arguments to his assistance. He called the bill a miscellaneous bill, and attempted to demonstrate the incongruity and repugnance of its several parts. To all this part of the learned Lord's argument there was a short answer at hand, and if his Lordship had reflected a single instant, he might have saved himself a good deal of trouble, and the House much time; for he would immediately have discovered, that he was debating the clauses of the bill on the second reading, which could be only regularly discussed in a Committee, while he neglected the principle, which was the only subject under consideration.

The learned Lord, in another part of his speech, denied the existence of the principle, namely, that members of Parliament, enjoying contracts, were influenced in their parliamentary conduct, and in the votes which they gave upon great national questions.

It was a matter which he wished to treat with some degree of delicacy, because assertion would bear the appearance of accusation. The number of public contractors were well known, and any observation made on that body, would carry with it a personal tendency. It was not his intention to point to any particular person or persons. He believed many of them were worthy, honest men; but it was the general principle of temptation, against which the bill was intended to militate, because the means offered or held out of amassing, within a few years, a princely fortune, a fortune ample enough to exceed in opulence even a modern Nabob, were sufficient, considering the forcible impressions made by a man's family and friends, to stagger the most firm and decided characters. Some men were weak, some fond of indulging themselves in splendor and every species of luxury; others again were griping and avaricious. Were not these temptations? Was any man exempt almost from temptation of one kind or another? Even some of those meant to be excluded by the bill from a seat in Parliament, might, and probably had, been operated upon by gratitude, by considerations merely personal. Want, distress, and domestic embarrassments, were incentives which never failed to work powerfully: and, without wishing to controvert the high eulogiums paid by the noble Lord on the woolstack, and his account of the immense opulence of the whole body of contractors, it required much more proof of this latter assertion than perhaps the learned Lord was aware of.

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He should crave their Lordships indulgence for endeavouring to fix their attention to what he believed, out of that assembly, no man pretended to call in question. For his own part, so long as he had any knowledge of public affairs, he had seen so many instances of corruption, and its effects on Parliament, that he could hardly believe the learned Lord was serious. He had himself seen so many instances, within the last twenty years, both in and out of office, that he had long since perceived the necessity of putting a stop to it. Thank God, as far as his means or poor capacity could be exerted, he had uniformly set his face against it, and would he trusted, as long as he lived: he begged leave to assure their Lordships, that correcting, or rather extirpating this dangerous source of all our national misfortunes, constituted one of the prime inducements for his taking a part in the present administration.

The learned Lord, he observed, had spoke with great ability and accuracy respecting the nature of a mixed constitution, and the necessity there was for preserving an exact equilibrium between the different branches of the legislature, to all which he most heartily subscribed; but any government supported or assisted by corruption must, in his opinion, at length destroy itself, and suffer annihilation: and for his part he would prefer monarchy to a mixed government, if the latter was to have no other basis for its support. He believed, without being charged justly, with throwing out personal reflections, that the corruption he had been describing was never carried to a greater length than during the late administration. It had, more or less, pervaded and insinuated itself into every part almost of the executive government. Indeed, if it had not, a paradox sufficient to excite the astonishment of mankind would have presented itself to the political world — great majorities supporting an administration who had led the nation to — he would not say destruction, but to the very verge of it.

After resisting the immediate attempts of the common enemy, he begged leave to repeat, that his prime inducement to accept of the present seat he occupied, was by extirpating corruption, or gradually lopping off its several branches, till the whole could be rooted up, or rather the defence of the kingdom retrieving its honour, and bringing back the constitution to its original tone, formed one great object. His colleagues in office were, he was persuaded, led by the same motives. They entered into the King's Councils with a firm

and unanimous resolution to reform as much as possible, to promote public oeconomy, and to give their Sovereign and the nation such proofs of their sincerity and public integrity, as must put it out of the power of any set of men to deprive them of their only means of solid support.

The learned Lord, at his opening, had appealed to every description of persons in that House. He had called upon the noble Lords who opposed it, about two years since, to act the same part over again. He said, it would be deserting their former opinions, and would ultimately lay them open to the animadversions of those without doors: this, he must confess, was a novel language to the ears of Parliament; it meant a great deal, or amounted to so many words, which were not intended to convey any determinate idea. The learned Lord, while he was contending for the necessity of free debate, and free judgment, endeavoured in the same breath to tie down noble Lords to opinions, which by no means applied in the present instance, allowing that they had been ever well founded. The bill which their Lordships rejected was a different one from that now before them. It was unconnected with any other specific measure. Its operation was limited within a very narrow circle, comparatively speaking. Was that the case now? — By no means. — The present law was to be followed by another, respecting the votes of Custom-house officers. This was to be followed by a general plan or bill of reform. To effectuate so great and important a work was what invited the present men into office. Should the bill therefore be thrown out, that event would determine the fate of all the rest, and from the very moment that event should take place, there would be an end of the present administration; they would be no more. Having failed in their expectations, or not having been able to carry into execution the plans which, while out of office, they had recommended to those in power, the nation could no longer look up to them; and, such being the case, he was free to say, corrupt and incapable as the last administration might have been, he would recommend to have them called again into power. They might, possibly, amend; but the present administration could not, with propriety, remain for a single day in office; and that for the best of all reasons, because, not having been able to obtain the confidence of that House, nor of course to carry on the public business, they might do their country great harm, without a possibility of rendering it any service.

Lord Viscount *Townshend* said, there was no man had a higher veneration for the constitution, and the original principles on which it was framed, than he had; and he was convinced there was nothing so effectually contributed to its preservation, as preserving the three branches of the legislature separate, distinct, and independent; so that if the Commons, for instance, offered to encroach upon either of the other two, that House should stand up as a wall, or barrier, to prevent the mischiefs which might, nay must ensue, from the invasion of the rights of the Crown, and their own indisputable privileges. He would, he declared, be the first who would assist in raising such a wall; but he looked upon the present case by no means as coming within that description. The evil intended to be removed, or prevented, every person in the least acquainted with contracts or contractors, well knew that the Minister of the day always created an influence by the disposal of contracts. He was no stranger to the operations of such a kind of bias hanging on the minds of men, and it was vain now to deny it.

Lord Vis.
Townshend

He was at present out of office, and totally unconnected with the present administration; he was therefore unbiassed by hopes and fears. The measure now before their Lordships was no more than a beginning, and formed but a part, as he understood, of a general reform, of great extent and importance, which furnished him with another argument, as well as inducement for giving the bill his support; because he thought, if the present essay should miscarry, it would entirely set aside and defeat the other much more important objects of reformation, which had within a very few days been announced by ministers, both by a communication from the Throne, and a bill, which, at that instant was, he presumed, before their Lordships. — [Custom-house officers bill.]

The noble and learned Lord, who so warmly opposed the bill, he was persuaded, acted upon principle: but either his Lordship was not properly informed on the subject, or he mixed those objections against sending the bill to a committee, which should have been only urged after the bill should have got there. Upon the whole, the circumstances under which the bill was presented to their Lordships considered, it met with his most hearty approbation.

The Bishop of *Chester* came to the table, and delivered a modest and pathetic speech. His Lordship gave the persons

a Bishop of
Chester.

who originally moved, framed, and agitated the bill, full credit for the best intentions. He admitted that giving contracts of an inordinate size to Members of Parliament, might be attended with improper consequences, and therefore be fit to be provided against; but he could not think that all the provisos of the present bill were founded in wisdom, expediency, or justice. He circumstantially stated the particular reasons that had induced him to entertain such an opinion, and quoted a declaration of Mr. Fox (in the other House on a particular occasion) that served to illustrate his argument. He observed upon the motion, that had formerly passed in the Commons, respecting the increase of the influence of the Crown, and reminded their Lordships, that nevertheless, although Mr. Fox had declared, that the late Minister had been supported by a considerable majority of the independent landed gentlemen, yet when the crisis arrived, that respectable majority deserted him; and the Minister, with all the royal influence, so much the subject of declamation of late, was overthrown. His Lordship declared the new ministry had his good wishes, and should have his hearty support on every occasion where he thought their measures wise: he hoped, nevertheless, that they would excuse his differing from them on particular constitutional points, where his opinion ran counter to theirs.

Duke of
Grafton.

The Duke of *Grafton*, in reply to the two learned Lords who opposed the bill, and in observation on what had fallen from the Bishop of Chester, made several pertinent and pointed remarks. He had heard the noble and learned Lord who first rose to the question, with that degree of attention his opinions and arguments always challenged, as well as the other noble and learned Lord (*Mansfield*) who spoke later, and owned he was much surprised to hear both the learned Lords so strongly contend that contracts were not in their nature calculated to create influence; and if they were, that the present bill would by no means operate so as to prevent or remedy the evil. He believed the fact was notoriously known to be otherwise. He might appeal to a noble Lord (pointing to Lord *Rockingham*) who presided formerly at the Treasury, and had been lately called into the same situation, whether a particular attention was not frequently expected from the person who united in his character that of a Member of the House and contractor? He would not pretend to answer for others, but this he could honestly declare, that while he had the honour of a first seat at the Treasury Board, he

was

was made frequently to feel the influence and weight of those contractors who were Members of Parliament.

He was much pleased to hear the right reverend prelate express so favourable an opinion of human nature in general, and of the whole race of contractors in particular; and he should be one of the first to adopt the learned Prelate's sentiments, had not his Lordship confessed that he was totally ignorant of politics, a science so foreign to his habits and pursuits: and farther, that he was little acquainted with any other transactions than such as were limited within the narrow circle of his pastoral duty.

He was perfectly satisfied of the truth and candour of this public acknowledgment, for it was self-evident to him, if the right reverend Prelate had mixed more with the world, or had neglected the performance of the duties annexed to his pastoral function, and the spiritual care committed to his charge (in which he thought his Lordship was much more properly and laudably employed) he would soon discover, that influence did exist, and that in a most enormous degree. Nay, his discoveries would not end here; he would shortly perceive, that it had spread through almost every class of men, in one shape or other.

The noble Lord on the woollack, with his wonted ability, had considered the bill as incongruous in all its parts, and as carrying absurdity on the very face of it; and farther, as if framed in order to answer the views of some particular persons. For his part, he was at a loss to learn the noble Lord's meaning. In his apprehension, the bill was solely calculated to answer public, and not private purposes; and to sacrifice the legitimate interests of a few individuals, in order to promote those of the community at large.

The same noble Lord had called upon those who rejected a bill, under a similar title, two years since, to preserve their character of consistency, by voting for the rejection of it, under its present form. If such an argument held good in any given situation, it was by no means applicable on the present occasion. The Parliament was just on the eve of a general election, when the bill passed the other House. A great minister at the time said, the people were mad with a spirit of liberty. The two bills, though the same in principle, differed very materially in the provisions; and a variety of circumstances had intervened, which totally altered the measure in the opinions of those most inimical to the bill, when first offered to their Lordships consideration; so that no person,
who

who distinguished between times, facts, and circumstances, could be charged with a breach of consistency, though he should now give his support to a bill which, on a former occasion, had not met with his approbation.

His Grace concluded a speech of considerable length, with broadly contending, that the bill before their Lordships was intended, by the other House, as a law of regulation, the operation of which would be exclusively confined to their own body. He therefore submitted, with all due deference, to their Lordships, whether it would be prudent to oppose the other House, in a matter merely respecting the regulation of its own members. He did not wish to urge this argument farther than it would fairly bear him out. He was aware, and was fully convinced of the necessity, that that House, be the object of legislation what it might, were equally interested and competent to decide, by approving or rejecting all laws offered to their consideration. But then he would recommend to noble Lords, to seriously reflect, that although the power was not controverted, they were bound to exercise it wisely and moderately; and not in a case where the good or evil resulting from such a measure was at best doubtful, or rather of no very great importance in itself, risque a breach with the other deliberative branch of the legislature; or at all events give birth to a spirit of ill humour, which had always proved so detrimental to the carrying on of public business, when it had unfortunately happened to be the case.

Lord Fau-
conberg.

Lord *Fauconberg* spoke in reply to the general call made by the learned Lord on the woolsack, to noble Lords, not to desert their former opinions respecting the present measure; for he could fairly say for himself, that though he voted for the rejection of a bill, somewhat of a similar nature, the present should meet with his warmest support; and yet he could add, as an honest man, after examining his conscience, that at both times he acted agreeably to it.

Lord Os-
borne.

Lord *Osborne* (Marquis of Carmarthen) supported the bill. His Lordship remarked, that though the right reverend Prelate had said, that the late ministers were supported by the landed interest, and that at length the country gentlemen abandoned the Minister, and overturned the much-talked-of influence of the Crown, he had not said one syllable, to shew that till the last moment the contractors were not in the Minister's suite; an evident proof of the improper use of undue influence, and of the most probable salutary effect of the bill under consideration.

Earl

Earl *Gower* said, that he was sorry that the objections which he had to this bill would force him to vote against it, as he sincerely desired to have it in his power to give the utmost countenance and support to his Majesty's present Ministers, whose great abilities he revered, and from whose zeal and ardour the most happy effects were to be expected. He wished to give them his support; and the most alarming thing which he had heard on that day, was from the noble and learned Lord, that if these bills for the reform of Parliament should not pass, they would retire from their situations. He hoped they would not think of any such measure, but assure themselves of a solid and permanent establishment, while they pursued the vigorous system which they had so successfully begun.

Lord *Sandys* disapproved of the measure; said it was fraught with hardship and severity, and meant to inflict a punishment upon persons who, for ought that appeared to the contrary, were perfectly innocent.

The Duke of *Candos* rose to express the shame and mortification he felt, at witnessing so strong an opposition to the first measure of the new Ministry, and that, a bill of economy and a bill of reform. His Grace with great seriousness declared, he hoped that House would not continue to oppose every effort to serve the country, and especially the laudable endeavours of his Majesty's present servants to regain the confidence of the people to Parliament; such was the critical situation of public affairs, measures of regulation must take place, and if their Lordships obstinately persevered in impeding such measures, that House would have to answer for the consequences.

Lord *Dudley*, in answer to the remarks of the learned Lord, who had spoke last, about the difference of reward paid to a mute and an eloquent speaker, observed, there was no great number of orators in the list of the members of Parliament holding contracts under government, then lying on the table.

Lord *Ravenworth* supported the bill, and very fully reasoned upon what struck him as arguments in favour of it. His Lordship said, that the declaration of the noble Lord in the blue ribband, "that he meant to support the new ministers," afforded him more satisfaction than all he had heard that day.

Lord *Wycombe* (Lord Shelburne) said, it would be extremely unreasonable in him, at that late hour of the night, to attempt

tempt to intrude on their Lordships by a long discussion of what had undergone so full a debate; but as a few strong facts occurred to his mind, which had not been mentioned, he thought it incumbent on him to state them to the House. His Lordship then mentioned various circumstances in proof of the illegitimate lucre arising from contracts, and the presumptive prodigality with which they had been distributed. In particular, he took notice of the contractors' splendid palaces, that stared you in the face in the counties all round the metropolis; the sumptuousness and expence with which they were known to live, the enormous purchases that they were perpetually heard to make, and the costly stile in which they all notoriously moved, fell, he said, little short of that of the most successful Nabob. As one proof of the extravagant and improper profits of their contracts he mentioned the modern custom of sharing one contract between seven or eight persons, and asked, whether every noble Lord who heard him, did not feel, that the practice could not have prevailed under a government, professedly intent on œconomy, because it must be obvious to all, that where a contract was made with one person, the lowest terms were likely to be obtained for the public. He mentioned also the duty of a minister with regard to the article of contracting, and said he highly approved of what an eminent and distinguished character, a noble and learned Lord (Mansfield) had that day said upon the subject, viz. that the contract ought not to be given to the lowest, but to the most solvent bidder. This rule was a wise one, and if the Ministers did not attend to it, most fatal would be the consequences to the public. He would only add to it, that the most unconnected bidder ought also to be studiously sought out, because in all probability that description of bidders was most likely to serve the public with the best commodity, and at the cheapest rate. In proof of the abuse of modern contracts, he declared nothing was more notorious. The abuse was scandalous in the highest degree; there was scarcely one respecting which the loudest complaints had not been urged. There was scarcely an officer in the army, who was not clamorous on the subject. The contract for the powder for our navy, was abominably mis-served; others were equally mis-served, and it was evident, the whole was a system of jobbing, a system of imposition, and a system of fraud! His Lordship took notice of the Bishop of Chester's apology for his differing in opinion from Ministry on the present occasion, and said, he hoped to God the learn-

ed Prelate, and every noble Lord in that House, would always feel themselves at liberty to speak their sentiments in every debate without reserve. He had always done so himself in every situation, and he always would do so. While in opposition, he had often stood up the Advocate of the Crown and its prerogative; now he was in office, he would always stand up, as often as occasion offered, the advocate of the people and their privileges. He was a zealous friend to real freedom, and he ever wished to preserve the true constitutional balance of power. It gave him pleasure, that day to see the noble and learned Lord who begun the debate, so freely and firmly delivering his sentiments, though they happened, unfortunately for him and the bill, to differ from his own. All his wish was, in supporting the bill, to restore the purity of the constitution; he had the matter much at heart; he should pursue it with zeal, but the greater part of the plan must be expected from office, where they are now maturing, and whence they would soon be brought forward.

Earl *Ferrers* rose to speak, in answer to some objections made by the learned Lord on the woolstack, relative to bills of pains and penalties in general, (supposed to allude to the case of Sir Thomas Rumbold); but the House was so impatient to rise, that his Lordship was obliged to sit down unheard.

The question being loudly called for, the House divided. For the second reading, Contents, 67; proxies, 3; 70. Not contents, 39; proxies, 6; 45. Majority for the question, 25.

May 2.

The Earl of Shelburne delivered the following message from the King:

G E O R G E R.

"Notwithstanding the debts that have been lately discharged from the Civil List, and the additions that have been made to this part of the revenue, it is with much regret that I observe that the public expenditure, instead of being diminished, is increased. It is my earnest wish to introduce œconomy into this part of the system, and relieve as much as possible the distresses of my subjects. I have therefore formed a plan by which such grievances may be alleviated, and the evil complained of, in some measure, removed. Whilst such reforms may be adopted it is my earnest wish that similar principles of œconomy may diffuse themselves through every other branch of the public expenditure."

The Lord Chancellor and Clerk having then read each of them his Majesty's message,

Lord
Shelburne.

Lord *Shelburne* observed, that there was nothing more obvious than that it was the sincere intention, and decided resolution of his Royal Master, to alleviate the distresses of his subjects, and to introduce a general system of œconomy into the great national expenditure: Upon this idea, he congratulated their Lordships, and hoped that they would acknowledge with gratitude the gracious designs of his Sovereign, which had a direct tendency to rescue his people from those pressures under which they laboured. He then produced a copy of the plan proposed, which was ordered to be laid upon the table; and concluded with moving an humble address to his Majesty, consonant to the message sent down to their Lordships; which was agreed to *nem. diff.*

M. 3.

The Royal assent was given by commission to several public and private bills. The commissioners were, the Lord Chancellor, the Duke of Richmond, and Lord Camden.

Lord *Shelburne* reported his Majesty's answer to their address of yesterday on his message.

Duke of
Richmond.

The order of the day for the second reading of the Cricklade disfranchising bill was moved for, which called up the Duke of *Richmond*, who begged to offer an observation or two on the intended mode of proceeding. He said nothing was more desirable than expedition in conducting public business, when that expedition did not trench upon either the forms of parliamentary usage, or tended to violate substantial justice, which he flattered himself would be best answered by the proposition he meant to submit to their Lordships; and ultimately it would serve as a guide or landmark to direct the House in the further progress of the bill. Before, therefore, any of the witnesses were called in, he begged permission of the House to put the following question to the council against the bill: namely, "That they be directed to inform the House in what stage of the bill they meant to give it opposition."

Besides the general motive for preserving order and regularity in their Lordships proceedings, he had another object in view, that of precluding endless disputes and litigations, respecting mere questions of order, as well as to prevent the bill from ever passing into a law, so long as evidence could be brought to their Lordships bar, to urge suggestions which might furnish new subjects of argument.

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The *Lord Chancellor* opposed the motion very warmly on several grounds, particularly on the score of informality and injustice: he would not affirm with confidence, but from every thing he had ever read or observed; respecting the form of their Lordships proceeding, he fancied no attempt of the kind, to restrain counsel, had ever been made before, or any obligation laid upon them to make their option in such a stage of the business: he did not pretend to be as conversant in order as the noble Duke, but in his apprehension, a petitioner, who found himself affected in the event of a bill passing into a law, or felt himself injured or aggrieved in either, his character, his fortune, or personal rights, was entitled to be heard in any stage of the bill he might think fit, either at the second reading, in the committee, the report, or the third reading. The bill, if he was not dull or blindly obstinate, would operate as a bill of pains and penalties; for what did it propose, even according to the purpose declared on the very face of it, but that the innocent voters of the town of Cricklade were to be punished, because, taking the fact to be true, that notorious corruption had been practised at the late election for Cricklade; so far the preamble went, and no farther.

Lord
Chancellor.

Lord *Manfield* declared himself of the same opinion, as to the general principle, and added, that it was equally a principle of law and justice, as well in the high court of Parliament as in the courts below, never to deny a person charged with the commission of a crime every reasonable means of defending himself, when the consequence of the charge, should it remain undisproved, would bring after it some one species of punishment, no matter whether under the denomination of suffering pains and penalties, or the deprivation of a right, which was exactly the case in the present bill.

Lord
Manfield.

Lord *Grantley* rose to the question, and contended that the motion made by the noble Duke was perfectly within order; that most certainly the counsel might be restrained, and obliged to take their option, because, in fact, they had no right to be heard in any one stage of the bill, but one. The only objection to the noble Duke's motion was, to restrain them within the still exercise of a right, the being heard in some stage of the bill, and no more, in order to prevent their opposition to it from being rendered perpetual.

Lord
Grantley.

The Duke of *Richmond* made several pointed remarks on the Lord Chancellor's speech. He contended, that the learned Lord was mistaken when he called the present, a bill of pains

Duke of
Richmond.

and penalties ; for it did not bear the most distant resemblance. Indeed the affair of Shoreham might be so called, as many persons were disfranchised by name, for crimes charged upon them, and disqualified ever after from voting for members for that town, and the Rape of Bramber, to which it was annexed. Was that the case here ? — by no means : no right was meant or offered to be taken away. No person was to be punished in any shape whatever. The most the learned Lord could make of his bill of pains and penalties was merely this, that, those who had heretofore exercised the right of voting within the borough of Cricklade, would not have it in their power in future to part with their votes for money, if they were venal and corrupt ; if not, no right was taken away that an honest man would wish to retain, because he would still preserve his franchise. An incorrupt and independent man could not be supposed to feel any disappointment on the occasion ; and he presumed no person in that assembly would rise and say, it was cruel to punish a corrupt voter, and spoil his market, by rendering his vote of less value, by increasing the number of electors.

Lord
Chancellor.

The *Lord Chancellor* rose in reply. He said, the learned Lord who spoke lately (Grantley) had asserted without reserve, that no person, or body of men, could be heard against a bill, in the event of which they were interested, but once. To this he begged leave to give an unqualified contradiction, because, unequal as he was to enter the lists with that noble Lord, respecting the usages of Parliament, the records on their Lordships table furnished repeated proofs, that petitioners had been heard in more than one stage.

His Lordship cited several authorities, or precedents, to demonstrate that counsel were left at liberty to be heard at any one stage of the bill they pleased ; particularly when the punishments meant to be inflicted amounted to pains and penalties, or any higher measure of punishment : his Lordship instanced the case of Sir John Fenwick ; of the Directors and others concerned in the South Sea scheme ; of the Charitable Corporation ; and, lastly, in the cases of Bishop Atterbury and Lord Macclesfield : in every one of those cases the mode of proceeding varied ; sometimes counsel were heard immediately on the first reading of the bill ; at others, on the second reading ; again in a committee ; and, lastly, he was clearly of opinion that the third reading, in some instances, might not be too late.

His

His Lordship resorted to several other arguments of a similar nature and tendency, and said, notwithstanding the great abilities of the noble Duke, he must still continue to think, that throwing open the right of voting to those who had no claim to it, would, to all intents and purposes, operate as a punishment upon such of the burgesſes of Cricklade as had not forfeited that right by any criminal act of their own.

Lord *Grantley* seemed astonished, how it was possible for the learned Lord who spoke last, to so totally misconceive his meaning, or misrepresent his words. His Lordship had specifically stated the words he thought fit to impute to him, from which he appealed to the judgment of the House, to know whether he had said, “that counsel were always restrained, and obliged to make their option; and that they could not, under any given circumstances, be heard in any stage but one.” Nothing could be further from his thoughts, or more contrary to his experience. What he said was simply this, that counsel could not be heard but in one stage, unless new matter were suggested, and then it rested in the discretion of the House, whether or not the suggestions were such as entitled the petitioners to be heard a second time, or in two different stages. — [The two learned Lords who spoke last, having betrayed some strong symptoms of warmth,]

Lord *Ashburton* rose, seemingly with an intention of allaying that heat which promised to increase, instead of diminishing. He perfectly agreed with his learned friend as to the last principle he laid down, that the permitting counsel to be heard twice in the course of the same bill, to the same points, was a matter of mere indulgence, and totally discretionary. But, as this question was not now, in his opinion, at all before the House, he recommended to both his learned and noble friends, to decline farther controversy on the subject, till the question in debate furnished an opportunity of discussing it.

The Duke of *Richmond* replied with some heat, charging the learned Lord on the woollack with opposing indiscriminately every measure of regulation or improvement which was laid before the House.

The Lord *Chancellor* complained of the asperity with which he had been treated by the noble Duke, and said, he thought it rather a peculiar hardship, that his manner, that of a plain man, who studied nothing but to convey his sentiments clearly and intelligibly, should be imputed to him, as if arising from

from motives of indiscriminate opposition, or to intentional rudeness.

The debate continued for a considerable time longer, till the Duke of Richmond at length consented to withdraw his motion, which put an end to a very sharp altercation, that had lasted upwards of two hours.

The witnesses were then called for, and first, John Skilling, the Parish-clerk of Cricklade; but, after several enquiries, he was not to be found.

The next was William Saunders. As soon as he was called to the bar, the Duke of Richmond put the following question to him: "What was the general reputation respecting the distributing money, and corruption having been practised within the borough of Cricklade, at the late election?"

To this the Lord Chancellor strongly objected, as it tended to convict, or criminate, a whole body of men, without any better proof than report and floating opinions.

His Lordship was supported by Lord Mansfield, who contended, that permitting such a question to be put, would be contrary to the very elements of law and justice.

Duke of
Richmond.

The Duke of *Richmond* answered the two learned Lords with remarkable ability, challenging either of them to adduce a single precedent, or reason, why the present bill should be deemed a law of punishment. It did not take away the rights of a single individual, and must appear in the contemplation of every man, who was not pre-determined to oppose it, in its only true and genuine light, a law of political regulation, designed to lower the value of a venal vote for the borough of Cricklade in future, so as to cut up by the roots those seeds of corruption which had produced so repeatedly, within the course of the last half century, a professed system of venality, unparalleled almost in any other borough in the kingdom.

The Lord Chancellor adhering to his opinion, put the question, whether said question should be asked, on which the House divided. Contents, 17; not contents, 20. So that his Grace was left in a minority of 3.

The Duke of Richmond next put the following question: "Whether he (the witness) believed corruption had been practised at the late election, &c."

To this likewise the Lord Chancellor objected, on the same ground, and was supported by Lord Loughborough.

This brought on similar arguments as the foregoing; but his Grace's proposition was negatived without a division.

His

His Grace then proceeded in his examination of Saunders, and three other witnesses, who knew very little, or refused to tell it if they knew more.

It was in the course of this examination that Lord Fortescue rose, and said, that what he long dreaded had actually come to pass, namely, that the dignity of that House would be lowered and tarnished by the profusion of lawyers which time might occasionally introduce into it. It was no longer an House of Lords or Peers; it was converted into a mere court of law, where all the solid and honourable principles of truth and justice were shamefully sacrificed to the low, pettifogging chicanery and quibbles used in Westminster-hall. — That once venerable, dignified, and august Assembly, resembled more a meeting of attornies than an House of Parliament. It brought strongly to his recollection a Cornish court, where, for the want of barristers, attornies are permitted to assume that character.

The learned Lord on the woolfack seemed to be fraught with nothing but contradictions and law subtleties, and distinctions, and all that. He said, he had ever kept the several administrations of this country at a distance: he could aver, he had not attended a minister's levee, till very lately, for the last forty years; yet though he was willing to give the present his support, he no longer pledged himself to it than he should think they deserved it. He could not avoid acknowledging that they came into office upon the most honourable and laudable of all motives, the approbation of their Sovereign, and the confidence of the great body of the nation. It therefore filled his breast with indignation when he beheld such men, day after day, thwarted and opposed by men, whom, he was not ashamed again to repeat, resembled more a set of Cornish attornies than members of that House.

To this speech no reply was made.

Gun, the master of the Swan inn, or alehouse, in Cricklade, was the last witness examined. He said, he had been present when several persons received five guineas a man in his presence, and that a much greater number had acknowledged that they had received such a sum, for voting at the late election.

The Duke of Richmond read out of the bill, as near as we could compute, the names of one hundred and thirty persons, three or four excepted, whom the witness at the bar criminated on the ground just mentioned.

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As soon as this last witness retired from the bar, the bill was read a second time, and committed.

The House adjourned at a late hour.

May 6.

The House resolved itself into a Committee on the Contractors bill; Lord Scarfdale of course took his seat at the table, and the Lord Chancellor went to his place.

Lord
Ashburton.

As soon as the order was read, Lord *Ashburton* rose, and after prefacing his motion with a few short arguments, to shew the hardship which must attend such gentlemen, Members of the other House, as had timber, iron, copper, or any other product on their estates, and who would, in case the bill, in its present form, should be passed into a law, be debarred from entering into any engagement with government, or be deemed as coming within the description of contractors, and be debarred from sitting as members of the other House, without incurring the penalties and disabilities created by the bill, proceeded to explain himself. — Several persons of very great property, he observed, were concerned in manufactures, either by inheritance, or marriage, or representation. Those partnerships had been long in the habit of contracting with government, which they had served upon terms of a very advantageous kind. Such was the case of the representatives of Mrs. Crawley, of the Carron Company, and several other great and extensive manufactories, established in many parts of the kingdom. His Lordship urged some other reasons of less consequence, and after the preamble, as usual, had been postponed, moved, that the following exception should be inserted after the general enacting, exclusive paragraph of all contractors contained in the first clause, — Unless in the case where such persons, so contracting, shall bargain or sell nothing but the growth, product, or manufacture of their own estates."

This amendment produced a debate of upwards of two hours continuance, frequently assuming a new form; sometimes degenerating into a committee desultory conversation; at others, bearing all the features of a regular digested debate. We shall, however, sink as much as possible the conversation part, and confine ourselves principally to such leading traits as may serve, in our apprehension, to give a tolerable good likeness.

Lord
Chancellor.

The *Lord Chancellor* said, he had many solid objections to urge against several matters contained in the provisions of the bill.

bill. The noble and learned Lord had, with a real wish to render the bill better and more palatable, endeavoured to remove one of the chief ones he entertained against it; but, though the amendment was intended to operate in behalf of the persons described in his motion, when the same was considered and examined, in relation to other parts of the clause, the amendment would either defeat itself, or have no operation at all; for in another part of the same clause it was provided, that if any person sold to, or connected himself with a person who had a contract with government, such person was to be deemed, to all intents and purposes, a contractor, as much as if he contracted in his own person. It was true, the passage, he believed, was not so worded, but the words, as applying to contracts, were so general, that coupling the phrase directly or indirectly with the enacting clause, it was impossible to foretel or fore'ce, to what a length it might be stretched. He did not pretend to point out its construction, if brought before a Court of law; but this he would aver, that it would present a popular ground, for contending, that a gentleman selling the growth, product, or manufacture of his estate to a known contractor with Government, might be so interpreted, under the present bill, if it should pass into a law, that the sale of the proprietor might be found by an ingenious man to amount to a contract with Government, upon the literal and precise meaning of the words "directly or indirectly."

Lord *Grantly* supported the amendment with great warmth, ^{Lord Grantley.} contending, that the clause or paragraph when thus amended, could never admit of such a construction. The exception stated by his learned and noble friend was clear, precise, and determinate for the purposes expressed in the very face of it. For what did it say? that the exception should exist under such and such circumstances; beyond that line it was not, and could not operate in the cases of growth, product, and manufacture. If in any other instance the persons so described offered to transgress the law, they would be liable, and very properly so, in every other instance, not expressly excepted or stated in the amendment.

The *Lord Chancellor* recurred to several of his former arguments, and expressed himself pretty fully on the contents of the whole bill. He said, he had heard nothing to induce him to change his opinion. That undoubtedly it was a jumble of contradictions, and would, in his opinion, be productive of great confusion.

Lord
Loughbo-
rough.

Lord *Loughborough* proposed to amend the noble and learned Lord's amendment, by adding another, which disclosed a scene little known by the public in general, namely, that a very considerable number of the members of that House were in fact merchants, or rather traders in partnership. He stated that most of the Indiamen owed their being built to their liberal subscriptions: that they advanced money previous to the laying of the keel of the ship, and paid in their respective shares regularly, agreeably to the progress of the vessel, and drew regular profits, like any other trading partnership, for freight to the East-Indies in and out.

He therefore thought it would be extremely necessary to add the word *ships*, otherwise he was persuaded many members of both Houses would be prevented from sitting or voting in Parliament. To elucidate this curious business, and let it down more on a level to the understandings of the House, his Lordship put the following no less curious case.

He supposed that of the ships sent to India this year the ships-husbands might give liberty to the captains to enter into contracts with Government in the country, of which the husbands, owners, lords, or gentlemen would of course be totally ignorant; yet if there was not an exception introduced into the present clause, the noble or honourable persons would be bound by the act of the ships husbands, and be liable to the penalties and disabilities provided by the act.

He would not confine the amendment to a particular description of shipping, for he thought that it should extend to generals, being creditably informed, that there was scarce a keel of a large ship, West-Indiamen, Greenlandmen, &c. laid in the river, in which persons of rank and character, possessing great landed property, were not partners or sharers.

Duke of
Grafton.

The Duke of *Grafton* supported the first noble and learned Lord's amendment with great energy. He said many of the gentlemen, and other persons, who would be affected if the present clause were not adopted, came to the possession of this species of property by inheritance, and that it would be to the last degree oppressive, nay cruel, to deal out a measure of punishment for them in case they acted agreeably to the nature of their situation. It could not be expected, that persons so circumstanced could, or ought to be, operated upon, by a compulsive law to abandon their property, or suffer a punishment for an act not more criminal than their being born, or succeeding to a paternal inheritance. After arguing this point with no inconsiderable share of eloquence, he

declared the amendment proposed by the learned Lord met with his most hearty approbation.

His Grace was answered most ably by Lord *Derby*, who was for the amendment *in toto*, but more particularly that part of it respecting the word *manufacture*. Indeed the amendment, if agreed to, would effectually defeat the bill, and answer every purpose of its declared enemies. The noble Duke had supported the amendment with his usual ability, and with that degree of candour for which he was so justly distinguished, but when his Grace spoke of gentlemen having great quantities of timber, iron, copper, &c. to dispose of, and supposed that this bill would deprive them of the means of parting with them to advantage, he would assure the noble Duke, that his apprehensions, however generous, were not founded; experience had enabled him to speak with some degree of confidence on the subject. He had himself growth and produce to part with, and found that the commodities always met the level of the market; that is, among a variety of bidders, the full value was offered, and he made his option by uniting at once the opulence and responsibility of the purchaser, with the extent or amount of the price offered, by which means he did not believe that he had been imposed upon in a single instance.

But were he a contractor favoured by Government, and willing to seek more than the market price, most certainly he would never deign to consider the intrinsic value of the commodity at market—No, he would make his own terms, he would fix his price, he would blend his senatorial with his mercantile character, or that of a land owner, and profit by his situation.

After several strong arguments to the same purport, and of a similar complexion, which he delivered with uncommon energy and eloquence, he said he would at a proper time trouble their Lordships with a few short farther observations on the subject.

The Duke of *Richmond*, who had been several times up in the course of the evening, rose, and observed, that an amendment was obviously wanting to be made in the same clause in the bill as it originally stood, when it was sent up by the other House; that was, where the bill created the disabilities, &c. in the following words: “contracted and employed.” His Grace contended, that the conjunctive *and* united the two conditions intimately, according to the rules of grammatical construction; that contracting alone disqualified no

Duke of
Richmond.

person ; nor being employed by Government in providing, &c. for its exigencies ; that a member of Parliament might contract till doomsday if he did not employ, or employ if he did not contract. Now in his opinion, the phrase, to answer the intention of the framers should run disjunctively, so that contracting in the first instance, or employing another to act for him, would separately constitute the offence meant to be created by the bill.

The Lord
Chancellor.

The *Lord Chancellor* met this amendment very strongly, contending that the words “directly or indirectly” had totally done away the objection.

He was answered by Lord Grantley, who insisted that the word *and* knit the conditions so inseparably together, that no other part of the clause could possibly cure the disease.

Duke of
Richmond.

The Duke of *Richmond* supported his amendment upon several strong grounds.

In the course of this conversation frequent contradictions arose between the Lord Chancellor and Lord Grantley, which was productive of heat, and a warmth approaching to asperity. This continued for near an hour.

At length most of the noble disputants assembled round the table, and a compromise took place, contrary to the first opinion given by the Lord Chancellor, that as the learned Lord’s proposed amendment was in line 8, and that proposed by the noble Duke, in line 3, it was against the established rule of parliamentary proceeding, to admit any retrospective amendment in a Committee.

Their Lordships then proceeded to amend the clause, which took place without any opposition, in a great variety of instances, till at length they came to the paragraphs which they had been debating the whole evening.

The first division was on the Duke of Richmond’s motion to substitute *or for and*, Contents, 45 ; not-contents, 16.

The second upon Lord Ashburton’s amendment, respecting *growth, product, or manufacture*, upon which Lord King moved to leave out the word *manufacture*, Contents, 27 ; not-contents 25.

The third and last was on the rejection of the whole clause thus amended, Contents, 15 ; not-contents, 25.

May 8.

The House went into a Committee on the Cricklade bill.

Lord Ash-
burton.

Lord *Ashburton* rose, and offered to present a petition from Samuel Petric, Esq. stating among several other allegations, that he would be materially injured by the proof of the bribery

bery and corruption, said to be practised at the late election for the borough of Cricklade, if the same should be productive of passing the present bill into a law, without having liberty to be heard by counsel in the first instance in support of the bill, and of bringing the charges home against a noble Lord, and a Mr. B——, as being concerned in the same; and by their agents the actual authors of the general facts, stated in the bill. To meet the objections of the counsel against the bill, it would be likewise necessary for him to be indulged in a like manner, in order to furnish him with an opportunity of cross-examining the opposite witnesses, or detecting the means resorted to by counsel, for the purpose of misleading those who had, or might have appeared, to give evidence in its support.

His Lordship having presented the petition in the usual form, said he was of opinion that the prayer of the petition should be granted as equitable and reasonable. It desired nothing but what the petitioner was entitled to ask. It contained to their Lordships no fresh ground of complaint. It meant to open no new source of evidence, but precisely and exclusively that species which was already before their Lordships. Such being clearly his opinion on the subject, he did not see upon what possible ground the House could reject the petition, or refuse to grant the prayer of it.

The ~~Lord~~ ^{Lord Chancellor} said, he had the misfortune totally to ~~differ~~ ^{Chancellor} from the noble Lord who spoke last. He was at an entire loss to even guess, farther than the petition informed him, on what ground Mr. Petrie could come before their Lordships as a petitioner. In the first place he was no elector of Cricklade, and could therefore be no farther affected by the bill than any other indifferent person. He could not be operated upon by the bill, so far as he was able to discover, more than any one individual in that House. The only question before their Lordships was simply this; whether certain electors, resident within the borough of Cricklade, and having a right to vote for the representatives in Parliament for said borough, should be disfranchised, for being guilty of notorious bribery and corruption; or whether, on account of the abuse of the franchise, that right should be extended to the two neighbouring parishes.

The Duke of *Richmond* supported the learned Lord who made the motion, in very warm terms. His Grace contended, that the great, indeed the only object of the bill, was discovering truth, and acting strictly conformable to the lights thus obtained.

Those

Those being his ideas on the subject, he said, the learned Lord's motion met with his entire approbation.

Lord
Chancellor.

The *Lord Chancellor* replied very fully to the noble Duke, and entered into a disquisition on the established rules of evidence. So long as those rules were acknowledged, he was, therefore, clearly of opinion, till other rules were substituted in their stead, that the petition could not be received.

After several arguments, pro and con, his Lordship begged leave to assure the noble Duke, that if his Grace, or his noble and learned friend should persist, he would endeavour to collect the sense of the House, by immediately putting the question. His Lordship then moved, that the petition of Samuel Petrie, Esq. be rejected; which was agreed to without a division.

A witness was then called, and the Duke Richmond asked him, whether at the last election but one for Cricklade, he had known of any corruption or bribery being practised.

The Lord Chancellor opposed the putting the question, on the ground that there was nothing relative to the election alluded to before the House.

This produced a tedious conversation, in which, besides the two noble Lords already mentioned, Lords Grantley and Mansfield took a part.

The Lord Chancellor moved the question, which being regularly put from the chair, his Grace's motion was over-ruled.

A Mrs. Gun (wife of the master of the Swan alehouse) was next examined, who proved the actual receipt, or acknowledgment of the receipt, by several Cricklade electors, of five guineas a man, by the hands of a Mr. Bristol, a supposed agent of Mr. B——, or Lord P——.

A question being put by the Duke of Richmond to Mrs. Gun, an objection was taken by one of the counsel against the bill. — Witnesses and counsel ordered to withdraw.

A conversation now arose, which promised to be productive of a debate of some length, but the Duke of Richmond took occasion in his reply to declare, that he was heartily tired of his situation. Attacked by lawyers above the bar, and interrupted by lawyers below the bar, he considered himself unequal to the task of longer contending with so formidable a phalanx in the way of their profession.

After some farther expressions of the same tendency, he moved that counsel be permitted to be heard in favour of the bill, which was agreed to.

The House adjourned.

May

May 9 and 10.

Counsel were heard on the Cricklade bill.

May 13.

The order of the day, for the commitment of the bill for extending the right of voting for the borough of Cricklade was read, which called up

The Earl of *Mansfield*, who opposed the bill's going to a Committee, on several grounds. He observed that it was a judicial bill, or rather a legislative act, carried on agreeably to the rules of judicial proceeding, and that it was so considered by the established usages of Parliament: that such acts were clearly distinguished from those deemed merely legislative, as no proxies were admitted or included in the numbers on a division, because judicial bills were always presumed to affect the rights of persons, their lives, properties, and liberty.

In debating the bill, therefore, he should examine it as a bill affecting the rights of certain persons; he should likewise consider their Lordships, so far as the case applied, acting as a court of judicature, and consequently, in his opinion, their Lordships would have a right to demand all that species of proof deemed necessary, when the object was to enquire whether those supposed to be affected by the public judgment were liable to punishment; or whether, to gain a favourite purpose, the essential forms of law, and the established rules of justice, were to be violated.

Agreeably to this mode of reasoning, he should ever think the present bill grossly unjust. What did the preamble of the bill say? That notorious bribery had been practised at the late election for the borough of Cricklade. What was the conclusion drawn from the premises so stated? That the same was likely to continue; and what was the grand conclusion of all; but that the present innocent electors of Cricklade, men against whom the colour of accusation had not been urged, were to be divested of their rights, rights hitherto by the constitution looked upon to be inalienable, for no other reason than that bribery and corruption had unfortunately been practised at the late election.

Before, however, he proceeded farther, he should beg leave to trouble their Lordships with an observation or two, which would serve to elucidate what he meant to offer in the course of his speech. The preamble stated the fact already mentioned;

mentioned; and though he was not prepared to say, for very obvious reasons, from his own supposed knowledge, that bribery had been committed at said election, he was fully at liberty, in his place, in that House to affirm, that he believed there had.

So far the fact in the preamble was established in his apprehension; but the conclusion from that fact appeared to him totally illogical, for to make sense of it, the word therefore should have been inserted, and then common sense would be restored, in which the passage at present seemed to be entirely deficient. The preamble in that case would run thus: "Notorious bribery, &c. having been practised, it is therefore likely that the same would continue," &c.

Were he to judge, he should, most certainly, draw a very different conclusion; he should, for one, presume, that the late prosecutions for bribery, the great number of persons disabled by the convictions had against them, and the judgements entered up would have a direct contrary effect from that which the bill was framed, in order to prevent; — like the scalded goose, who fled from the cold water, because she had suffered so severely from getting into the hot; their breasts would, probably, be filled with dread and horror at the approach of an election; and, instead of bartering or bargaining for their corrupt suffrages, they would much sooner fly twenty miles from the place, on the day of poll.

His Lordship argued the matter of property on a very large ground, calling the bill, in every true and substantial sense, a bill of pains and penalties. He observed, in the first instance, that no right of voting existed in the borough, unless annexed to some species of property, which consisted of freehold, leases of lives, or three years certain. It was impossible, therefore, to extend the franchise to the limits described in the bill, without affecting the property of the residents within the borough. He would never bear to be seriously told, that the property within the borough would not be affected by the franchise being multiplied. The contrary was known to be the case in a thousand instances; and he need not go farther than the borough of Helston, where, he understood, the electors were now reduced to four, and who, he believed, would think themselves very hardly dealt by, so long as the charter continued, to have the franchise or power of sending two members to represent them in Parliament, divided among or extended to the neighbouring parishes or hundreds.

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His Lordship insisted much upon another circumstance, which was, that the borough of Cricklade was not a body corporate; which in contemplation of law might, as the executive and deliberative power united, be made responsible in its aggregate capacity. It consisted merely of persons, such as he had described, possessing or holding freehold, or any other kind of property within the borough. Every individual elector stood upon his own particular ground, distinct from his brother elector; so much so, in his opinion, that out of the two hundred and three voters for the said borough, if only one innocent man could be found, it would be enough to defeat the conclusion drawn from the preamble of the bill.

His Lordship, after several arguments of equal ingenuity, said, he could never bring himself to give his assent or approbation to a bill, which professed on the very face of it to involve the innocent and the guilty in one indiscriminate punishment, which was clearly, in his apprehension, the very summit of injustice.

Lord *Portchester* rose, and apologized for troubling their Lordships on a subject merely personal; but as he thought silence would amount to a confession of guilt, after what had fallen in the course of the progress of the bill at the bar, from the counsel and the witnesses, as well as from those convictions to which the learned and noble Lord alluded in his speech, he now trusted the House would indulge him with a few words by way of explanation, tending strongly, he hoped, to exculpate him from those cruel and ill founded charges which had been made against him, and in some instances to unjustly proved. Lord Portchester.

He now rose to give his honour that he neither directly nor indirectly, by himself or agent, or agents, by permission, collusion, or otherwise, bribed, or caused to be bribed, any one elector or person entitled to vote for the borough of Cricklade, nor employed Bristol as his agent in that business. After repeating the same asseverations in respect of Bristol, to as full an extent, his Lordship read, as part of his speech, a declaration upon oath made by said Bristol, in which he affirmed that the noble Lord (now on his legs) was totally ignorant of every one step he had taken respecting the late election for the borough of Cricklade.

After some observations on the law for preventing bribery, and the manner it had been stretched, in order to oppress him, he said that the verdicts obtained against him had either been obtained by incomplete evidence, or by false testimony.

Duke of
Richmond.

The Duke of *Richmond* answered Lord Mansfield very fully, and defended the bill as a bill of regulation, policy, and expediency, in a most able and convincing manner. He remarked with no small degree of humour in the learned Lord's simile about the scalded goose.

The Lord
Chancellor.

The Lord Chancellor answered his Grace in a speech of considerable length, in which he considered the bill in detail, and combated the principle and provisions of it, with all that personal confidence, and strength of argument, and variety of ingenious and specious speculations for which his Lordship is so justly distinguished.

He was answered by Lord Ashburton in a speech highly applauded above the bar, as he scarcely closed a sentence without several hear him from the opposite side of the House.

Lord
Loughborough.

Lord *Loughborough* undertook to answer the learned Lord who spoke last, and contended that the franchise of voting was daily bought and sold, and was consequently a species of property. To limit, narrow, or restrain it, therefore, in his opinion, amounted to punishment, and fully justified what had been asserted by his two noble and learned friends, that the bill was a bill of pains and penalties.

Lord Grantley.

His Lordship was answered by Lord *Grantley*, who dealt rather harshly by the learned Lord who spoke last. He then turned his attention to the principle and provisions of the bill, and defended them with great apparent success, in the double character of a politician and a lawyer.

Lord
Loughborough.

Lord *Loughborough* rose to explain his words, relative to the power of alienating an advowson.

Lord
Grantley.

Lord *Grantley* still continued to maintain his former opinion.

Duke of
Richmond.

The Duke of *Richmond* replied very fully to the noble and learned Lord who opened the debate. The learned Lord contended, that the present was a judicial proceeding by way of bill, and that proxies, as a proof of his assertion, were not permitted to be counted in the division, nor received. He was glad to hear it; he sincerely wished that proxies were rejected in all cases, as well as that which the learned Lord had supposed. He had indeed seen very strange use made of proxies in that House; a very singular one, however, just then occurred to his memory, and he believed he had the noble Lord in his eye who produced the proxy of another noble Lord (*Delaware*) who at the time of its production was actually dead.

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The learned Lord had with his wonted abilities and uncommon ingenuity represented the present as a bill of pains and penalties, upon the ground that the right of voting, being annexed to property, became a matter of property itself; that to extend the franchise was to diminish its value, and to diminish the value was in fact to trench upon the rights and property of innocent men, for such several of the voters of Cricklade had a right to be considered, as their constituent integrity had not been so much as called in question.

He would crave their Lordships indulgence for a few minutes, while he endeavoured to give this part of the learned Lord's speech an answer, which he hoped would be deemed sufficient to state the difference between the cases presumed by the noble Lord, or point out those parts of the argument which were either irrelative or unfounded.

The learned Lord considered the franchise as a matter of property. Even so, the present bill by no means affected it. That people who had been convicted of bribery were thereby disabled from voting at future elections was certain; but that was by operation of law, in the Courts below, upon the statute or common law; but with that, as the learned Lord had ingenuously observed, the present bill had nothing to do. But, says the noble Lord, the franchise, if extended to other persons, renders that already vested in the present electors of less value; and if the franchise constitutes a part of the value of the freehold or leasehold interest, it certainly amounts to a loss of property, and the bill may be considered so far as a bill of pains and penalties. In his opinion the very contrary would be found to be strictly maintainable.

The right of voting was not a vested right, to be held merely for the benefit of the possessor; but was a trust, for the faithful discharge of which he stood virtually bound to the public; and that very public who delegated the trust for the benefit of the whole community, were at all times, or as often as the occasion presented itself, fully competent to new model the frame and extent of the trust; or in the event of actual abuse, totally to withdraw it, either by transferring that right to others, to participate with them, or finally, if necessity should call for the measure, to annihilate the franchise. Trusts, from their nature, were all liable to abuse, which always furnished an unanswerable argument for measures of prevention when practicable; and in some cases justified the dissolving the connection between the public and its trustees.

Apply this reasoning to the present bill. Notorious bribery had been practised at the late election for the borough of Cricklade; and from past experience, the like might be expected again: here he could not help taking notice of the learned Lord's curious attempt at logical criticism, contending that the word *therefore* should have been introduced. Now, in his apprehension, there was no manner of occasion for it; for the fact on which the bill was framed, was simply this, — that notorious bribery and corruption, &c. had been practised, &c. The noble and learned Lord indeed has acknowledged as much; without therefore considering the votes of the electors as a marketable commodity, which would be depreciated in their value by the present bill; the bill was to be considered merely as a measure of political regulation, framed upon the fact stated in the preamble, and merely intended to operate as a measure of prevention, to put a stop to the repetition of such evils in time to come.

The learned Lord had endeavoured already to meet this argument: "like the scalded goose, said the learned Lord, who avoided the cold water, as well as the hot, the electors of Cricklade will feel a dread and horror at the approach of an election; they will run twenty miles from the place on the day of poll, and fly from a canvass or temptation, as they would from a plague, mortified and punished as they have been for their late malefactions." Now, if the noble and learned Lord was serious, it astonished him beyond measure; if he was not, the argument was such as did not deserve an answer; but taking it in the former sense, was not the probability directly the other way? might it not be rationally expected, that an escape, under such circumstances of public delinquency, would operate as an encouragement to persevere? Had not the experience of the neighbouring boroughs, supposed to be equally profligate and corrupt, furnished the most unanswerable arguments, to shew that legal punishment had no other effect than seeming to harden them in their guilt; and that instead of being filled with fright or dismay at an approaching poll, the inhabitants or electors of those boroughs, with perhaps more caution, but acting upon similar principles, rejoiced at the approach of a general election? The learned Lord had, in his comparing the Shoreham bill with the present, furnished him with an argument in favour of the latter, of which he was not aware. He had fully confirmed every thing almost which could be urged in behalf of the measure now under consideration; for, he believed, time out
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of mind previous to the passing of that bill, the borough of New Shoreham had been represented by some East or West Indian, and not by the neighbouring country gentlemen. He well remembered an expression of the late Earl of Chatham, when the bill came before their Lordships, that New Shoreham was represented upon the banks of the Ganges; but, he trusted, it would be so no more. His Lordship's expectations had been exactly fulfilled; upwards of twelve years had elapsed since the right of voting had been extended to the Rape of Bramber, and a single instance had not occurred, in which the natural interest had been transferred to the Ganges, or beyond the limits of the neighbourhood. It had been uniformly represented by the gentlemen of the vicinage, or within the Rape; and no attempt had been made by a Nabob of any description, to bribe or corrupt; — a most powerful argument, he presumed, in favour of the present bill.

His Grace, after shewing that that part of the Shoreham bill which punished and disfranchised the members, called the Christian Society, was, in fact, a bill of pains and penalties; pointed out the difference between that and the present, where no man was specifically accused or punished, and where taking the matter in the largest sense, the bill could be only considered as a bill of political regulation, modifying the exercise of a trust to the benefit of that public which delegated it.

The *Lord Chancellor* entirely coincided with the learned Lord who spoke first, as to the law doctrines laid down by his Lordship. He conceived the bill, though legislative in its ultimate object, to be strictly tied down to the rules observed in judicial proceedings, whether the same was likely to affect the lives, properties, or liberties of the persons concerned. With all his industry, he could not, for his soul, bring himself to consider the bill in any other light but as a bill of pains and penalties. Lord Chancellor.

There was no person within hearing held the noble Duke's abilities and political integrity in higher estimation than he did; he had often been witness when his Grace exhibited the fullest proofs of them, and scarce a day passed which did not furnish fresh ones; but still, unequal as he felt himself to enter the lists with the noble Duke, in the discussion of a great and political question, not daring to trust to any thing but what led to bring home conviction to his own mind, a sense of duty, as well as common sense, compelled him to consult his reason, however scantily dealt out, to the assertions

or

or unsupported opinions of any other man, however high or respectable he might stand in the eye of the public. When, therefore, the noble Duke called the present bill, not a bill of pains or penalties, but of regulations, of political expediency, if not necessity, and as forming a part only, and a small one, of a very extensive and comprehensive plan of public reformation, he confessed himself totally at a loss to even so much as conjecture what the noble Duke meant. Before, therefore, he could even give a decided opinion on the present measure, as connected with others that were to follow, it would be necessary to explain those which might be supposed to induce him to give his assent to the bill under consideration, of which, standing as a single unconnected measure, he greatly disapproved. For instance, without such previous explanation, *in limine*, he should give his assent to the bill, merely on trust that other bills, of a more extensive reform, were to follow it, but which he equally disapproved of. After having made one false step, he should find himself in the disagreeable predicament of treading it back again, and of having been misled by the opinions, but deceptive promises of a general reformation, or rather innovation.

He must confess, that all plans of reformation should be cautiously received; the removing of ancient foundations was always attended with danger, and was too often productive of mischief. It was not to be controverted that the legislature was competent to disfranchise this or that borough, or to take away the rights of individuals, or whole bodies of men, without adhering to any fixed system or rule for their conduct. Many instances of the kind were already on record; but it became their wisdom, their justice, and discretion, not to abuse those high and transcendent powers which they were competent to exercise, and which the constitution had vested in them.

It could not be denied but it was necessary to have a supreme or absolute power established in every form of government. In this country the constitution had happily placed it in the three estates; but if the question came to be fairly and nakedly considered, there did not exist a doubt in his mind, but this absolute power could alter the tenure of the Crown itself, could new model that very House, by rendering it elective, instead of hereditary, and dispose of or abrogate the rights of the people.

His Lordship made use of several other arguments against the bill, particularly respecting its personal injustice and political

litical inexpediency ; and concluded a long speech with declaring, that the bill, when the question came to be put, would meet from him a most hearty negative.

The Earl of *Shelburne* concluded the debate in a speech of considerable length ; but advanced no new argument in favour of the bill. Earl of
Shelburne.

The question was at length put, that the bill be committed, when the House divided. Contents, 47 ; not contents, 22. Majority, 25.

May 17.

The Earl of *Shelburne* moved to read his Majesty's message, and the two addresses from the Lords and Commons of Ireland in return to it ; and these being read, he moved to read the act of the 6th of George I. for the better securing the dependence of Ireland on the Crown of Great-Britain, and this also being read, his Lordship, in a very masterly speech, opened the business. Earl of
Shelburne.

He proposed to lay before their Lordships his sentiments, without the least reserve, to make a full discussion of one of the most important subjects that ever came before them, and to observe in this stage of the business, that same open, frank and strict conduct which had been observed in the communication to Ireland. It always had been, and always should be, the line of his conduct, to act openly and without disguise, trusting that, as he spoke his own sentiments freely, and never should attempt to deceive Parliament, other Lords would express theirs with as little reserve ; for he wished to invite an open discussion of great national questions. Ireland had demanded, by the papers on the table, four things ; the first and the most essential to them was a free constitution, which they would not be said to enjoy while they were subject to laws not made with their own consent. How it came to pass that such a controul should exist in a country, similar in all respects to this, and having long had a Parliament of its own, formed exactly on the model of ours, it was easy from history to trace. The commotions in that country, the frequent civil wars, the violence of religious disputes, the uncivilised state of a great part of the country, had all contributed to render the assembling of their Parliament less frequent, and, in the intervals, to subject them to the controul of other laws, which were often so beneficial as to be readily adopted, without examining into the authority. But this had long been a subject of complaint ; it was one of the great

great grievances, required to be redressed by every party of the Irish in the war which began in 1640. The claim had at all times been made, and now that Ireland was united, religious disputes all composed, growing in wealth and strength, and fast improving in all the arts of peace, it was impolitic, it would be unjust, and he believed he might appeal to their Lordships conviction, that it would be impossible to resist the claim : he should therefore move a repeal of the act he had desired to be read, which would give quiet and satisfaction to the minds of the Irish, and leave no cause to check the affection and zeal they felt for this country, whose fate they had declared themselves willing to share. There was in this act another matter, the judicature of the Lords, which he was aware would be thought by some to be distinct from the legislature. It happened that the two subjects were clearly connected in the act he had moved to repeal ; the dispute upon judicature had given rise to that act ; and the Irish, though fully sensible of the impartial administration of justice by their Lordships, were desirous to be subject to the judicature of their own Peers, who had increased in wealth, in consequence ; and had, by the improvement of their minds, acquired that knowledge which fitted them for the exercise of such a trust better than in ancient times, when arms were their chief employment. He must at the same time remind the House, that though the appeals from Ireland to their Lordships had now taken place, for many years without dispute, the claim was not very ancient. In 1672 was the first instance of an appeal from Ireland to their Lordships, no Parliament then sitting in Ireland. Another happened in 1679 ; afterwards the House of Lords of Ireland reclaimed their right, contests ensued in the years 1699 and 1713 ; the Lords of Ireland did, however, in fact, maintain their power, till the disputes in 1719, which were well known to their Lordships, and produced the act he should move to repeal.

This was all he meant to propose, as matter of parliamentary decision ; but there were other points for the executive power, which he did not mean to dissemble, for in all affairs he desired to be plain, open, and direct. The condition of the Irish Parliament was singularly clogged by ancient statutes, framed for the times, and which, though softened by practice, were still a great check to their freedom. Their Lordships would see he meant Poyning's Law. This law, passed in the reign of Henry VII. was originally intended
for

for the benefit of the people of Ireland, as a check on the power which the viceroys, in conjunction with the great men of the country, had exerted, of passing laws that were often oppressive. The reason for such a law no longer subsisted, and it operated now only as a check on the reasonable desires of the Houses of Parliament, subjected to the controul of two Privy Councils. It had produced great disputes, which had sometimes been carried considerable lengths, and at other times terminated in a manner not very consistent with the dignity of the subject, or the parties under their law: the Privy Council of Ireland insisted on certifying a money bill, as one of the considerations for holding a Parliament; the Commons maintained that money bills could only originate with themselves. In the government of a noble Duke, for whose virtues he had the highest reverence, even had he not from connection the utmost respect for his family, and whose character was not such as to make him yield to any unreasonable pretensions, this question had been much agitated, and how was it settled? the Privy Council certified a money bill, the Commons rejected, and afterwards brought in themselves the same money bill; a form little respectable as the law form of fines and recoveries. Practice, however, had very much softened the effect of this law, which in its present was only an uneasy, and by no means any effectual restraint. The people of Ireland wished to be relieved from it, and either by a repeal, or a modification, he thought it was sound wisdom to comply with their desires. The perpetuity of the mutiny act was another subject of complaint, in which he thought, as it was a matter of internal regulation, it was just to comply with the desire of Ireland, that there should be no distinction between that country and Great Britain. He concluded with expressing his strong reliance on the affection and gratitude, which such fair and liberal concessions would excite, and strenuously urged the necessity of union at this moment with our sister kingdom, and that she might be made to feel in the language of our holy prayers, that our service is perfect freedom.

He concluded with reading two motions;

First, "That it is the opinion of this House, that the act of the 6th of George I. entitled "An act for the better securing the dependency of Ireland upon the Crown of Great Britain," ought to be repealed.

Second, "That it is the opinion of this House, that it is indispensable to the interests and happiness of both kingdoms, that the connection between them should be established by mutual consent, upon a solid and permanent footing, and that an humble address be presented to his Majesty, that his Majesty will be graciously pleased to take such measures as his Majesty in his royal wisdom shall think most conducive to that important end."

And moved the second.

Earl of Carlisle.

The Earl of *Carlisle*, in an elegant speech, expressed his approbation of the motions. He bore ample testimony to the zeal and loyalty of the Irish, and particularly stated the honourable conduct of the volunteers, and the liberal offers made of their service, when Ireland was threatened with an attack. He said, that had he been more persuaded than he was, that Ireland had ever relinquished its right of free legislation, which he knew they neither had, nor could give up, he should still have thought it wise to accede to their claim; because he knew, that from the gratitude and affection of the country, and the wisdom of the Parliament, much more advantage would arise to this country, than by maintaining any offensive and ill-founded pretensions to a controul over them.

Lord Loughborough.

Lord *Loughborough* said, he never rose with such anxiety as on the present occasion. That he had come into the House disposed to hear, but unprepared to speak, not knowing the purport of the motion to be made. The resolutions (if he did not mistake their tendency) contained matter that ought not hastily to pass into resolutions, because such resolutions were in their nature conclusive. In matters of the least importance, the rules of Parliament required repeated consideration to precede decision. An alteration of the general system of relation between Great Britain and Ireland, indeed any change of that, which, be it right or wrong, had the sanction of long usage; required some deliberation and some pause, before it was finally resolved.

The first question offered to the House, was a repeal of the 6th of George I. To give leave for a bill for that purpose, he should not have had the least objection; but to resolve at once upon the repeal of an existing act, was a hasty and unprecedented measure. The second question seemed in general terms to convey a power to Ministers, to adopt measures without the knowledge of Parliament, and he could not consent

sent to so general an authority for any act, excluding the judgment of Parliament upon the act, when done.

The Earl of *Shelburne* on this stated the words of the second resolution, which he contended did not exclude, but implied the subsequent ratification of Parliament of any act of the Ministers. Earl of Shelburne.

Lord *Loughborough* was obliged by the information, as he might easily misconceive words, that he had heard it but once read, and declared, that the preamble of the resolution had his entire concurrence, but as to the latter part of it, he still conceived, that it implied more than the noble Lord's explanation; there were acts of the ministers, which in no course required the intervention of Parliament; for instance, the King's assent to an Irish bill was given, without consulting Parliament, and wanted no ratification; but every one must know, there were laws existing in Ireland of great moment to the mutual interest and union of both countries. Upon the repeal of some of these, two men, equally well-wishers to Ireland, might entertain opposite opinions; and it was unfit by general words to pledge Parliament for the approbation of measures that had not even been stated, much less considered. Upon the four matters set forth in the addresses of the two Houses in Ireland, notwithstanding the hazard of delivering any sudden opinion, he should venture to throw out some observations, relying on the candour of the House, that a fair construction would be made of what he should say thus unprepared. The first and principal matter was the freedom of the Irish legislature, to which he had no hesitation to declare his opinion. He thought the right to bind the Irish Parliament by laws made here, ought not to be asserted, much less exercised. He had, therefore, no objection to a repeal of a declaration of that right in the 6th of George I. but it must not be overlooked, that this was not a mere declaration of a right in theory; the right thus declared, however founded, had in practice been exercised, and often for the benefit of Ireland. Two acts of settlement, by which nine parts in ten of the property of Ireland were held, many commercial regulations of common concern to Great Britain and Ireland, and all the assurances by oath of mens attachment to the government and religion of their country, depended upon the authority of British statutes. It was necessary, therefore, to take some care, that those points should be secured. When the foundation on which they now stood was taken away, the House had not been informed what measures had been, or were taken for that purpose. Lord Loughborough.

The judicature of the Lords, he agreed with the noble Lord who made the motion, was a matter totally distinct from legislative power, though blended with it in the act of the 6th of George I. In many well-regulated states, the judicial and legislative powers were separate, and those who had wrote the best on government, were of opinion, they never ought to be united. Their Lordships judicature upon appeals from Ireland, it was said, was not of a very ancient date, nor earlier than the year 1672. It was, however, of the same antiquity with their judicature in appeals from England. Before the restoration, there were few, he believed, no instances of appeals to the Lords, and the House of Commons had at first denied the authority now fully acknowledged. The right, however, seemed to be of much higher antiquity, and had not been exercised sooner, only because there were but few cases in courts of equity, before the restoration, and sittings of Parliament were not frequent. There was, however, another part of the judicature, of which the noble Lord had said nothing. The writs of error from Ireland to the King's Bench, and from thence to the House of Lords. That was as ancient as the common law, and established with it in Ireland. Both countries having the same common law, the uniformity of it could not be preserved without a supreme judicature common to both; and this point he thought of the utmost importance to their future connection. The fair and equal administration of justice in the last resort, was acknowledged by all Ireland, and without any disrespect to the Lords of that country, it was very reasonable to suppose, that men would not be disposed to change that, which the experience of half a century had proved to be unexceptionable. The only circumstance that could induce a wish for alteration in this respect, must be, an apprehension that the judicial authority had some necessary connection with the legislative, which a little reflection would shew to be a fallacy, and indeed some of the able writers for the independence of Ireland, had themselves proved it to be a false argument. He concluded, therefore, that the motion ought not to be for a total repeal of the 6th of George I. and that the measure ought not to be unqualified.

The next point was Poyning's law, on which he observed, that it was a great mistake to suppose, that every difference in form between the constitutions of Great Britain and of Ireland, implied the inferiority of the latter. That Sir Edward Poyning's laws were a wise system, and intended chiefly for the

the benefit of Ireland; the form of passing bills there, was adapted to the situation of a country that was not the seat of government. Here, for obvious reasons, there was no inconvenience in offering bills that had passed both Houses, for the negative or assent of the Crown. The alteration of bills proposed by either House in Ireland, did not take away from their power, but only offered to their consideration such modifications as were thought expedient, but which, without their full consent, could have no effect. It did not impair the fundamental right of either House to give or withhold its assent to any law proposed, but it only retarded the too rapid progress which acts might sometimes make, especially such as were moved upon the spur of an occasion, and he thought, that independent of all considerations of the connections between this country and that, such a form of proceeding was most expedient for the local circumstances of a country, remote from its Sovereign. Experience had, in his judgment, proved the utility of it to Ireland, in a great variety of instances. The contest about originating money bills in the Commons, or in the Privy Council, he held as the noble Lord did, to be very frivolous, and not fit to be maintained on the part of government; but that point was no part of Sir Edward Poyning's law, which extended as it was by an act of Philip and Mary, was now, and he hoped would still remain, in full force. There were instances, one he believed in the time of a nobleman who had conducted the government of that country with equal ability and splendor, where the intervention of the Irish Privy Council was so far from being deemed a grievance, that they had been thanked for stopping a bill; and he knew there were later instances, where the same thing done by the Privy Council here had been very popular in Ireland. He desired their Lordships would weigh well the consequences of this important law. Ireland is a dominion of the Crown of England, and not a distinct country under the same Sovereign: the executive power of this state holds the supreme authority of that, and the acts of his Majesty, with regard to that country, must be the acts of the King in Council. Unfortunate will it be for both, should that situation ever be changed; and should it ever be understood that Ireland is only held as of the person of the King. How that relation is to be maintained, when so essential a part of the executive power, as the giving sanction to laws, is reduced to a bare negative, he had not the power to imagine. Surely, when the old ties which held the two countries to each other, were

to be loosened, it behoved men to consider by what new means they were to be held together. Ireland declares that she is willing to share one fate, and he believed the profession was as sincere as it was generous. But by what means was this to be secured ? how were we to unite in one commerce, one peace and war, one fate ? How to guard against the possibility of jarring interests ? Were treaties of peace or trade, and of alliance, to be the equal business of both Parliaments ? On what was it to depend, whenever there should be any army in Ireland ? and what that army should be ? At present it could not exceed a certain number, fifteen or sixteen thousand, under the controul of a British act. Might it be increased without the approbation of this Parliament ? He recommended to the consideration of the noble Lord in the blue ribband, to settle and adjust some solid security for these essential points, before all was agreed on the part of Great Britain. That, though nothing could be more amiable in private life than that open, frank, and generous manner, which the noble Lord stated to be the line of his conduct, and all that was worth obtaining might be expected from a return of gratitude ; yet, where the interest of millions was concerned, and where it was necessary to deal with great bodies of men, it behoved those to whom such affairs were entrusted, to act with more circumspection, and with less confidence. He had no doubt of the force, nor of the sincerity of the affection which the people of Ireland bore to England. But the arrangement of the political interests of great communities was not a matter of sentiment. It was wise in both parties to settle them on explicit terms, and it could give no just offence to either, that the other proceeded with a reasonable degree of political prudence.

The fourth article of complaint was the perpetuity of the mutiny act in Ireland, which he did not conceive could be ranked as a grievance. He hoped, that whenever England armed, Ireland would be armed ; if ever England should find it possible to disarm, Ireland would do the same. The mutiny act did not create nor authorize an army, but supposing an army to exist, and its existence, he trusted, would always depend on the judgment of this country, on which Ireland would confide, the mutiny-act regulated its discipline. But of what nature was that supposed grievance ? Ireland had passed the mutiny act, and he believed, from the newspapers, had this very session, by a great majority, refused to repeal it. Was it then a grievance, that laws of their own should
be

be suffered to have that effect which they had repeatedly thought fit to give them.

He concluded with an apology for detaining the House so long, and bespeaking a favourable construction to whatever he might have inaccurately advanced; but he besought the House to proceed with due deliberation, and not rashly to adopt resolutions without a full knowledge of all the consequences that might attend them.

The Earl of *Shelburne* rose again, to disclaim the idea of treating England and Ireland as distinct dominions, united under one Sovereign. A doctrine so dangerous and unconstitutional had never entered into his mind; nor was it to be found in the addresses of the Lords and Commons of Ireland, which expressly declare, that they desire all acts may pass under the great seal of Great Britain. The King, therefore, as the executive power of this country, will still hold the sovereignty of that, and all acts of state flow, as before, from his Majesty in his Privy Council of Great Britain. He had taken no notice of writs of error, because they were not mentioned in the papers on the table; but he assured the noble and learned Lord, they had not escaped his consideration. They were, he believed, of great antiquity in the constitution, and neither they, nor the appeals to their Lordships, had been detrimental; but, on the contrary, beneficial to Ireland. An uniformity of laws was undoubtedly a great bond of union between two countries, and many persons, he knew of great property, and of great authority, in Ireland, were disinclined to any change in the judicature; but he thought that this consideration most affected themselves. If they wished to take away the writ of error, or if it was a consequence of taking away the appeals, he did not think it a point which we were much interested to contend. Scotland and England had been, and would always be, he hoped, most perfectly united; and yet the learned Lord well knew their laws were not the same. It had been objected that the resolutions were conclusive, and binding upon the House; for his part, he meant to be bound by them. He thought it necessary to declare at once, and directly, what we intended to give, and he had great confidence in the liberal gratitude of Ireland, for the adjusting all matters that might remain to be settled between the two countries.

Lord *Loughborough*, in explanation, said, that it must have been an inaccuracy of expression, if any thing that fell from him could have conveyed, that he had imputed to the noble Lord

Earl of
Shelburne.

Lord
Loughbo-
rough.

Lord

Lord the idea of England and Ireland being united as distinct dominions under one Sovereign. Neither did he suppose that this was the idea of those who had framed and promoted the addresses on the table: their intentions, he believed, were as fair as their professions were loyal to his Majesty, and affectionate to this country. His argument was, that without its being the intention of either party, this would be the result of the changes proposed, if carried to their full extent, and without any check to controul their operation. He had therefore pressed it on the consideration of the House, and of the noble Lords in office particularly, to examine carefully, and to weigh well the consequences of the measures now proposed for immediate decision. He did not yet see what could avert consequences allowed to be so fatal, or how, when the judicial power was renounced, and sovereign authority reduced to a mere negative upon bills, and the government of each country to move in perfect equality and independence, his Majesty would be King of Ireland in any different manner than he might be Sovereign of any other separate territory. The contiguity of the two countries would preserve a more constant intercourse between the subjects of both, and the communion of rights unite them more closely to each other; but it was a possible case that their political interests might hereafter be supposed to be opposite, for we know that it hath heretofore been so; and false as that opinion had always seemed to him, it had notwithstanding obtained a great influence on men's minds, and directed their conduct. In such a case, what was there to prevent their disunion? or how could the Sovereign of both be supposed to act with an equal affection to each?

Lord
Camden.

Lord *Camden*, in a very able speech, paid great compliments to the abilities of the learned Lord, who, he said, if he had spoke unprepared, shewed that he required no preparation; and if his speech was the effect of study, it shewed that it wanted no correction. He wished that no debate had arisen on this subject, for unanimity would give great effect to all their measures. He spoke much of the virtues and of the increasing prosperity of the Irish, of which he, and he believed the learned Lord, were witnesses, and on which they could have no difference of opinion. That the question on their right of legislation was involved in darkness, if it was treated as a question of antiquity: but as the times had obliged them, in all countries, to consider such questions in the abstract, and to examine into the just origin of power and

and government, there all was clear and plain. No laws could be just, but such as had the consent of the people, and all distinctions on the head of internal or external regulations had been tried, and were vain. The doctrine was general and unlimited. He did not quite apprehend the learned Lord's idea on this subject; he had said, that the right of this legislature to bind Ireland was never to be asserted. Why then was it to be retained? The possession of a right never to be asserted, was, in his opinion, of no value to any man, or any state; and why then should the learned Lord object to the repeal of the act, declaring such an empty right? Would the learned Lord say distinctly what he meant to grant to Ireland, and how far he would resist their claims? If not, to object to what was proposed, without marking out any other line of conduct, was no satisfactory information to the House, nor agreeable to the learned Lord's understanding, which was by no means indecisive. As to the right of judicature, how that came to be exercised there, it was not difficult to form a probable conjecture. The Irish at first were unacquainted with the law of England; they had their Brehon law founded in barbarism; the resort to this country was then obvious; but how much was the case now altered? they had a House of Lords, consisting of men of great wisdom, knowledge, and integrity, assisted by their judges, presumed to be qualified to advise in matter of law. How tedious and vexatious a course it was to proceed from their Common Pleas to their King's Bench, from thence to the King's Bench in England, and at last to their Lordships! What delay, and what oppression to the poor, when they might have that great advantage of the English constitution, justice, administered at their own door! After all, how did this right concern us? What advantage was there in taking the trouble of deciding men's law-suits for them, if they did not choose it? For his own part, he thought this a matter wholly for the consideration of the Irish, and perfectly indifferent to this country.

With regard to Poyning's law, he shewed, how often bills were mangled in either Privy Council, in such a manner as to defeat the effect of them entirely. He instanced particularly a militia bill, the treatment of which, he said, had given rise to the volunteers. He wondered that it should have been supposed the King's negative was affected by any alteration of Poyning's law, that would still remain an essential part of the constitution, to be exercised by advice of the Privy Council. He declared himself a strenuous friend to the monarchy, and

though he was as good a Whig, and as zealous for the rights of the people, yet he would always support the just prerogative of the Crown, which was interwoven with every part of the constitution. If he should have the honour to serve his Majesty in his present office, great part of the charge of supervising the Irish acts must fall upon him; and he did assure the House, that he should most diligently attend to that duty, and should in no respect be afraid to resist any improper act, or to advise his Sovereign to make use of his negative on any proper occasion.

The mutiny act he considered as a matter of very small consequence, anomalous in its form, and unbecomingly in a free state; and he concluded with advising their Lordships to look to the danger of the present moment, to the armed condition of Ireland. The requests now made were not the voice of the Parliament alone, they were proposed from every part of the kingdom; Parliament not only echoed the voice of a brave and an armed, but a generous people. It was not a time to hesitate, to delay, to stand on nice form. The demands were made, and he dreaded what might ensue if they were not complied with.

Lord
Loughborough.

Lord Loughborough rose again, and assured the House, that he was unprepared on the particular motions, though undoubtedly the questions to which they related were not new to him. The course of his study and employment must have led him to an enquiry into the subject, which enabled him to treat of it in general, though not with the accuracy he wished. His expectation had been, that some motion would be offered on that day, which would have been more properly discussed on a future day after consideration. It was some proof that he was unprepared, because what he said had been mistaken, probably from the inaccuracy of his expression. The noble and learned Lord had not apprehended what he flattered himself he had stated in most explicit terms, as to the claim of free legislature, and which he would endeavour to repeat. He had said, that the right of this Parliament to bind Ireland, he thought never ought to be asserted, much less exercised, and therefore, that he had no objection to repeal, in this respect, the act of the 6th of George I. that he should have given a silent vote for leave to bring in the bill, and in every stage of it should have voted for that bill so confined; but he objected to a resolution that the act ought to be repealed without any exception, because such a resolution he took to be unparliamentary, and avoiding all the forms of
first,

first, second, and third reading. The noble and learned Lord had called upon him to say what he would grant, and how far he would resist the demands of Ireland? He was ready to answer, that he would grant nothing to Ireland merely on the argument that it was demanded, and he would grant every thing on the ground that it was reasonable. He did not assume to himself any greater firmness than others possessed in this degree of resistance, for it was founded on the just confidence he felt in the temper, affection and wisdom which the Irish had manifested in all their proceedings. He was from thence convinced, that it was only necessary to satisfy them that the intentions of this country were friendly and were fair, of which the unanimous disposition to repeal the 6th of George I. was a sufficient pledge, and the Irish would conceive no jealousy that the deliberation with which we proceeded was hostile to their interests. That to grant in any other manner would only lessen the value of the gift, by humbling the giver, and it would be absurd to expect a return of gratitude for any favours so conferred. He desired their Lordships would recollect that they had an interest in the welfare of the people of Ireland, and ought to be satisfied that what was asked or proposed, was really advantageous, and with respect to their judicature, it was a duty they had no right to abdicate, or decline it as a trouble.

Lord Viscount *Townshend* was warm in his encomiums. He said, the Irish had been amused and deceived, and he was perfectly satisfied that nothing would so effectually tend to throw both kingdoms into a state of confusion, as procrastinating matters; whatever was done should be done with a good grace, for he was convinced, that nothing so effectually led to the present situation of that country as breaches of good faith on one side, and a want of confidence on the other.

Lord Viscount
Townshend

Lord *Ashburton*, in a short, but pointed speech, removed the most material objections urged by the learned Lord who spoke before him. He particularly insisted, that the resolutions, such as they were, should now receive a negative from their Lordships, or their immediate approbation, for he was totally against the procrastination recommended by the learned Lord at so pressing a crisis.

Lord
Ashburton,

Lord *Hawke* said, he agreed with the noble Lord in the blue ribband, as to the propriety of the two resolutions which his Lordship had offered to the House. His Lordship took an opportunity of speaking very favourably of the Irish

Lord
Hawke.

nation.

nation, whom he represented as loyal, brave, and, he believed most firmly attached, from interest and sentiment, to this country.

Duke of
Leinster.

The Duke of *Leinster* (Lord Taplow) spoke in support of the resolutions very strongly, and entered into a kind of historical narrative of the first beginnings of the armed associations, the general conduct of Government and Parliament to the present time, and declared his opinion explicitly, that nothing would content the Irish but the repeal of Poyning's law, and the mutiny bill, with a full and specific recognition of their right to legislate for themselves, and to acknowledge the power of no foreign judicature or legislature whatsoever.

Duke of
Chandos.

The Duke of *Chandos* spoke on the same side, and blamed the late ministry for their alternate duplicity and neglect. He assured their Lordships, that although he possessed a considerable property in that kingdom, it had no influence on his conduct, nor would affect the vote he might give that night. He knew the interests of both countries were inseparable and dependent upon each other, and that whatever materially injured or served either, must affect both.

Duke of
Richmond.

The Duke of *Richmond* rose to answer several of the arguments of the learned Lord who opposed the resolutions; recommended unanimity as absolutely necessary, and said, the resolutions are maintainable on the ground of policy. He disclaimed the argument of granting from fear.

Lord
Loughborough.

Lord *Loughborough* rose again, and said that argument was not his, but he had endeavoured to combat it when used against what he had urged as a reason for proceeding with less precipitation.

The question was then put on the first proposition, and it was desired by some noble Lord to be entered *nemine dissente*; but this produced a cry of No! no! The second resolution was also agreed to.

Lord
Keppel.

Lord *Keppel* began his speech with remarking, that there was little necessity for him to say much in excuse for not sooner bringing the matter forward, which he should have the honour to propose, because the House, their Lordships well knew, had not sat since the news arrived of one of the most important victories, that the annals of this country had ever been distinguished by. The conduct of Sir George Rodney, in the late action in the West Indies, in point of attention, ability, and bravery, he declared as a professional man, had not only been uncommonly brilliant, but likely to prove of the most solid advantage to us. Had not the noble

Earl

Earl, who would have been the more proper person to have announced that business to the House, been too unwell to be able to attend, his Lordship said, it would not have fallen to his lot to have made the motion he meant to conclude with; he had, however, from that noble Earl, full authority to declare, that in his opinion too much praise, and too high a reward, could not be bestowed on Sir George Bridges Rodney, for the very important and signal services he had rendered his country. As government had given the public whole, and entire, every syllable of information they had received on the subject from Sir George Rodney himself, it was, he observed, needless for him to take up the time of the House in going into the particulars of the action. Considered fully, the behaviour of the Admiral, all through the business, deserved equally the admiration and gratitude of every man in the kingdom; the care and attention with which he watched the French fleet while in port, the activity and spirit with which he pursued them, the instant they left the harbour, and the good conduct, attention, and valour, which he exhibited in a battle, fought not for one day only, but which, from beginning to end, took up several days, and was at last crowned with the most glorious success, altogether raised his character to a degree of exaltation and eminence, that few of the bravest officers employed by his Majesty had ever reached. His Lordship said, there might have been advantages derived from fortune in the event of the action, but, abstracted from every consideration of that kind, Sir George Rodney had behaved so judiciously, and so gallantly, that he merited much stronger eulogiums than he had it in his power to make. No officer, however brave, could force such an opportunity as Sir George had experienced, of proving his ability. It depended entirely on the mutual desire of the commanders of both fleets to fight fairly, and to pit the strength of one squadron against the strength of the other, so as to leave the issue of the day, to the trial of skill and of conduct in the commanders, and the trial of firmness and bravery in the seamen. Such had been the manner in which the British and French fleets had met; and Sir George Rodney, greatly to his own honour, and his country's advantage, had proved himself and his seamen greatly and gloriously superior to the enemy in point of conduct, intrepidity, and spirit. He trusted, therefore, that every one of their Lordships would readily concur in the motion which he should offer, and which consisted of three resolutions — the first, for thanking the
Commander

Commander in Chief; the second, for thanking Sir Samuel Hood, Admiral Drake, Commodore Affleck, Sir Charles Douglas, and the rest of the captains and officers of the fleet; and the third, for approving the conduct of the seamen, marines, and troops, on board the fleet.

Being informed from the woofsack, that, according to the form of the House, they must be moved separately, Lord Keppel moved the first.

Earl of
Sandwich.

Lord *Sandwich* rose to express his hearty concurrence in the motion. His Lordship declared he felt himself obliged to trouble the House with a few words, in order to remove the prejudices occasioned by a report, which very sensible clear-minded men had listened to with attention, and by which the world in general might be impressed, much to his disadvantage, and to that of those with whom he had lately had the honour to share in the administration of public affairs. What he alluded to, was, a report that the recall of Sir George Brydges Rodney, which was generally believed had been sent out to him, was the measure of his Majesty's late ministers. The contrary was notoriously the fact. So far from recalling Sir George Rodney, he should not have so much as thought of such a measure, had he continued in office. He had always the highest opinion of that officer's ability and bravery, and it gave him inexpressible satisfaction, that the occasion of the present motion so amply fulfilled all the favourable opinions he had so long entertained of Sir George Rodney's merits; opinions which he had expressly declared in that House years ago. He reminded their Lordships, that this was the third or fourth time that Sir George Rodney had received the very high honour they were now about to vote him, and that he had taken no less than three flag officers, a French Admiral, a Spanish Admiral, and a Dutch Admiral. These were instances of merit and success, which it had fallen to the share of no one other commander to exhibit, and therefore they could not fail to render Sir George Rodney deservedly popular and dear to his country. His Lordship, after strongly pressing those great circumstances of character and credit to Sir Rodney upon the House, said, he had ever held it to be unwise and improper for either House of Parliament to interfere with the executive government in the appointment of officers, or their recall, he therefore would not now make any motion whatever respecting the recall of Sir George Rodney, but without meaning to trouble his Majesty's present Ministers

Ministers with the least opposition, (but, on the contrary, intending to support them to the utmost of his power on the present motion, and in every other constitutional measure they should propose,) as he was upon his legs, he would beg leave to give them his advice, and to tell them fairly and fully what he would do himself, were he in the situation he had formerly had the honour to hold, and which was now held by the noble Lord who made the motion then before the House. Undoubtedly he would not recall Sir George Rodney, but, on the contrary, if a recall had been sent out, he would think it wise and necessary to dispatch a swift-sailing frigate to the West Indies, to countermand any such orders, and to leave the command there in the very able hands in which it was now placed. Let their Lordships recollect only what had been the conduct of Sir George Rodney as an Admiral? He had last war been the commander of the enterprise against Martinique, the most important possession of the French in the West Indies, and he had signalized himself on other occasions. During the present war, when his country thought fit to call forth his services, he had cheerfully taken upon him the command of a fleet, and had scarcely got to sea, before news arrived of his having in a most enterprising and spirited manner attacked a fleet of the enemy, and captured the commander and the greatest part of his squadron. He had, after that, taken St. Eustatius, and some settlements belonging to the Dutch, on the continent of South America; and now, after a battle of several days continuance, (and which the noble Lord who made the motion, had, as a professional man, assured the House, was one of the most glorious and best fought he had ever heard of,) he had broke the French fleet, captured and destroyed eight ships of the line, and one of them a first rate, of one hundred and ten guns, with the Commander in Chief on board. So that, in all, he had in the present war deprived the enemies of Great Britain of no less than eighteen sail of the line, sixteen of which he had added to the navy of his country. Such success, and such advantages, had followed the efforts of no one of our commanders before. Surely, therefore, the service would not be benefited, nor the people of England at all pleased, with having so gallant and so fortunate an officer recalled; he himself must, besides, feel that he was disgraced, having a junior sent out to supersede him, and take from him his command, as it were, in the moment of victory. His Lordship said, he was aware, it might be objected against what he

he had suggested, that he could not with certainty know, that any recall had been sent, or would be sent out to Sir George Rodney. Most certainly, what he had spoken upon the subject was founded upon mere surmise and rumour; that rumour was, however, generally credited, and he should be most exceedingly happy to see any of his Majesty's ministers rise, and hear him contradict the report, that so universally prevailed, with regard to the fact in question. He advised the King's present servants coolly to reflect on the consequence of the present motion, and in what sort of manner it must be received by Sir George Rodney? Before it could reach him, Admiral Pigot, his junior officer, would have arrived, and by the orders he brought Sir George, would have convinced him, that notwithstanding all the success that his ability and wise exertions had gained for Great Britain, he had lost the confidence of his country, and was deemed so unworthy to command any longer, that it was even thought necessary to send out a junior officer to supersede him. Would any man in his senses argue, that this would not be felt by Sir George as a marked and heavy disgrace? Or, considering the very important services he had so lately rendered his country, would any man contend, that it would be wise or prudent to crop his laurels at the moment when he wore them with the greatest lustre? Besides, it was to be remembered, that the recall would not bring Sir George Rodney singly, but would also deprive the public of the services of another officer, of as high and distinguished a character as any in the navy. If Sir George Rodney came home, Sir Charles Douglas would come home; for being his first captain, it was the custom for officers in such a situation to accompany the fortunes of their Commander in Chief, and Sir Charles Douglas and Sir George would undoubtedly come together. His Lordship said, it was the more unnecessary to recall Sir George Rodney, in order to place Mr. Pigot in his situation just now, since, if the King's servants would only wait a few months, the command would fall into their hands, because, in all probability, at the end of the present campaign, Sir George would stand in need of some relaxation from the toils of war, and wish to come home.

He wished not to encroach upon the prerogative of the Crown. It belonged to the executive power surely to appoint those officers who were to fight the battles of the state. It was his opinion, however, that in consistency with precedent, and with the privileges of that House, it would be most prudent, and most expedient, for their Lordships to advise his Majesty

Majesty to continue an Admiral in the command, who possessed the confidence of the navy, and had added lustre to the British flag.

Whilst he wished that the most distinguished honours might be conferred upon Sir George Rodney and his officers, he thought they were even entitled to another substantial proof of their country's favour. He knew that the fortune of that Admiral was not considerable, and that it had been impaired by the unfortunate re-capture of St. Eustatius; he therefore thought, that whilst their Lordships conveyed their sentiments of their high approbation of his conduct, they should also testify their sincerity of regard, by bestowing upon him an ample provision for life.

Having stated this very fully, his Lordship said, as he was just then in the practice of giving advice, he would offer a little more to his Majesty's ministers on the present occasion. Report had got abroad, that there was an intention to bestow a Peerage on Sir George Rodney. If so, his Lordship said, he hoped that the degree of the honours bestowed would bear something like a proportion to the degree of merit which called for them. Surely, if it was thought proper to make Sir George Rodney a Peer, in that case his Majesty would be advised to place him above the rank of a Baron; were he in a situation to counsel the Crown, he should advise the creating him an Earl or a Viscount at least. Let the House recollect for what services other Admirals had been created Peers. The two most in his own recollection, were Lord Anson and Lord Hawke. With the latter, he had lived on terms of great intimacy; with the former, he was not so well acquainted, but had always a high opinion of his merits. In Lord Hawke's case, their Lordships might recollect there was most ample cause for honour and reward. But still, thinking as he did of the late victory, under all its circumstances, he thought the Admiral who had won it was well deserving of a more distinguished rank in the Peerage than that of Baron.

Lord Keppel shortly stated, that the whole of what his Lordship had thrown out, respecting the recall of Sir George Rodney, proceeded upon the vague report and fable of the day. There was no official evidence of the existence of such a thing before the House, and it was therefore improper to dwell upon it. The noble Lord, continued he, has expressed a fervent wish that the most distinguished honour should be lavished upon Admiral Rodney and his officers. To what

cause is this zeal to be ascribed? Why did not so ardent a principle blaze forth during his own administration of naval affairs? Were not the virtues of Sir Samuel Hood known and confessed? and yet the virtues of that officer lived in the memory of his Lordship, without the shadow of reward.

Lord
Hawke.

Lord *Hawke* observed, that the late victory had been brought into comparison with that obtained by his noble ancestor. He did not wish to diminish the glory of the one, or to beighten the splendour of the other: he would, however, take the liberty to observe, that the victory obtained by his noble relation, though it might be stated as less brilliant, was not less important in its effect. At the period it was acquired, this country trembled on account of the combined force of her enemies. — Thirty thousand French threatened an invasion of Ireland, which had only five thousand to defend it. Had this event taken place, it would have surely been followed up by one of a more serious nature to the interest of this country: so that the defeat of the fleet of our enemies, instead of being insignificant, saved this kingdom.

Lord
Stormont.

Lord *Stormont*, in a short speech, gave his hearty concurrence to the present motion. He dwelt at some length upon the bravery and conduct of Sir George Rodney and his officers, and bestowed the most elaborate encomiums upon them. A noble Lord, said he, has remarked upon the victory obtained by his illustrious ancestor. — I do not wish to diminish its glory — it was great in itself — it was important in its consequences. — The circumstances that added a lustre to its fame, were, however, different from those which give a brilliancy to that obtained by Admiral Rodney. Though superior to the enemy in force, yet he had the elements of heaven to contend against — he fought in a storm — he engaged the foe upon its own coast, and upon that theatre he conquered it. The case of Sir George Rodney was different; he met a superior force in a calm — every gun was regularly and deliberately styled, and every gun told. I therefore contend, that there is no instance in the British history of a more splendid victory, taken in connection with all its circumstances; brilliant in itself, it will be equally fortunate in its consequences, as it will probably terminate that war of ambition in which the natural enemy of this country is engaged; and spreading terror over the continent, will dispose the foes of this country to listen to the overtures of peace.

Duke of
Manchester

The Duke of *Manchester* began a short speech, with observing, that it was extremely difficult for him to say any thing

thing worth their Lordships attention, when there was no question to combat. His Grace said, he lamented that any thing like a comparison between the merits of Sir George Rodney, and the merits of Lord Hawke, or any other officer who had distinguished himself in the service of his country, had been that day started. He had hoped the motion would have passed unanimously, and that nothing would have been introduced in the course of their Lordships conversation, that looked so like detracting from the merits of Lord Hawke, as what had fallen on that point from the noble Earl who spoke second in the debate. Since Lord Hawke's action had been mentioned, he felt it incumbent upon him to remind their Lordships, that there was more of the daring spirit of enterprise in that affair, even than in the late affair of Sir George Bridges Rodney, great and glorious as it confessedly was. Lord Hawke had certainly saved his country by his bravery and spirit. He had encountered the enemy in a winter season, a stormy sea, and close upon their own coasts. His Grace said, he was perfectly astonished at the conduct of the noble Earl. He had, for the first time that ever he had witnessed such conduct, taken upon him to interfere with the executive government, and even to interfere with the royal prerogative. The appointment of officers, and their recall, ought to lie wholly with ministers, who were to be responsible to Parliament, if they acted improperly in either instance. The Crown also was to be the fountain of honour and of reward, and not Parliament. His Grace gave his hearty assent to the motion.

Lord *Sandwich* replied. He declared, that so far from interfering with government, he had expressly made his objection to any interference of the nature censured by the noble Duke, and had therefore set out with saying, that he would propose no motion, but would merely suggest to the King's present servants, by way of advice, what he should have thought it right to have done himself were he in power. Feeling as he did, that the recall of Sir George Rodney would be extremely disliked by the whole nation, and feeling what was still of more importance, that it would create disunion and want of confidence in government among the officers and seamen of a fleet, agreed on all hands to be united to a man, he had stated the impolicy of such a conduct, as recalling Sir George Rodney just when he was in the zenith of success and victory. With regard to what he had said respect-

Lord
Sandwich.

ing the late Lord Hawke, he was astonished to hear it imputed to him, that he had the least design to detract from that gallant officer's merit, or to draw any conclusion from a comparison of it, with that of Sir George Rodney, that tended to depreciate Lord Hawke's services in any the smallest degree. He had no such intention, and he had, previous to his allusion to the difference in point of importance, between the event and consequences of Sir George Rodney's late victory over De Grasse, and Sir Edward Hawke's victory over Conflans, declared his full approbation of Sir Edward Hawke's advancement to a Peerage, acknowledging, at the same time, the splendour of his conduct, as well as its great service to his country. Sir Edward, he was aware, fought in November, in a sea so boisterous, that one of the enemy's ships overset and went down; Sir George Rodney, on the other hand, fought the French fleet on a day so fine, that it was almost a perfect calm; a circumstance evident from Sir George's own expression, that "every shot told." Hawke fought against a cowardly foe; Rodney against a brave one.

Duke of
Richmond

The Duke of *Richmond* stood up, and regretting very sincerely that he had it not in his power to attend the early discussion of the present motion, observed, that a great deal had been thrown out in his hearing, respecting the recall of Admiral Rodney. He did not know upon what ground such reasoning proceeded, and did not even see but that the measure, supposing it had been adopted, might not be justified? Was not the state of Sir George Rodney's health such as might render such a step both necessary and expedient? Had he not returned formerly in the *Gibraltar* at a most critical period? Though he remarked, however, upon the circumstance of his health, he by no means wished to derogate from the merits of a man who had rendered such essential services to his country. On the contrary, continued he, I view the victory he has obtained as a glorious one. It is recommended to public attention by the most striking circumstances. Other victories were obtained by fleets and armies, who placed a confidence in the fidelity and wisdom of counsellors and statesmen who managed the helm of this great empire. The present conquest, however, was extended by a fleet who had lost their confidence in an administration which had brought this country to the verge of ruin.

His Lordship remarked upon the zeal of the late ministers to bestow honours and favours upon those whom they had neglected

neglected to serve during the course of their own administration. He said, Sir Samuel Hood had surely merited some marks of distinction, and yet that gallant officer had obtained no reward.

It was the first time, his Grace said, that he had ever heard it debated in that House, whether any man, let his merit be what it would, ought to be created a Peer of Parliament or a Peer of Ireland, a Duke, or an Arch-Duke. He particularly noticed what Lord Stormont and Lord Sandwich had said, of the necessity of employing officers, in whom the navy had a confidence. The doctrine was new in their mouths, and contrary to their constant practice in office. Their custom had ever been to drive those officers from the service, in whom the navy had the greatest confidence, and thus to deprive the public of the service of the ablest commanders. If, therefore, Sir George Rodney had any more particular merit than Sir Edward Hawke, it arose from this circumstance. Sir Edward Hawke had a full confidence in government; the administration of affairs were then placed in such able hands, that both army and navy relied with safety on those who held the government. On the other hand, such had been the conduct of the late Administration, that no officer dared trust them; and Sir George Rodney, in consequence, was entitled to the higher degree of praise, for having, with a fleet dispirited, and wanting confidence in the Admiralty, done so much as he had done. His Grace added several more arguments, and gave the motion his full assent.

Lord *Loughborough*, in a speech delivered with great animation and eloquence, declared his astonishment at the turn the conversation had taken, and that on such a day as that, a run should be made at the late administration. He was not, he said, the least surprised at hearing a noble Lord, high in office, declare, he would give no answer whatever to questions upon subjects that House, as a House of Parliament, was perfectly competent to discuss, and which necessarily every one of their Lordships had a right to suggest and propose. A noble Duke, who spoke last but one, had sat out with declaring, he found it difficult to say any thing worth their Lordships attention, when there was no question before the House. Was that the case? On the contrary, was there not a question proposed regularly and formally, which was of a very comprehensive nature, and which extended itself more or less to every one of the circumstances alluded to by a noble Earl near him? Was it unreasonable, unfair, or foreign from
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Lord
Loughbo-
rough.

the subject to ask, when a question conveying very high honour to Sir George Rodney for services to his country of the most meritorious and important nature, was under discussion, whether ministers who proposed such a question, either had rendered it, or intended to render it nugatory, absurd, and ridiculous, by suffering Sir George Rodney, before he could have notice of the honour meant him by their Lordships, to undergo the mortification and disgrace of being superseded by a junior officer, and of being obliged to entertain the unwelcome assurance, that he was deemed wholly unworthy the farther confidence of his country? Surely, so far from such a question to ministers bearing the construction that had been put upon it, it was perfectly reasonable, and in every point of view strictly necessary. A great deal had been said of Sir George Rodney's merit, and though it had been allowed on all hands to be great, an attempt had been made to diminish its degree, and to damp the lustre of his glory and renown, by endeavouring to point out the conduct of Sir Edward Hawke as more meritorious. Let all the circumstances of the two events be fairly considered, and he was persuaded no one Lord would think it any injury to Sir Edward Hawke's well-earned reputation, if he placed the balance of the comparison in the scale of Sir George Rodney's merit. Both the officers in question had rendered eminent services to their country, and both deserved its full gratitude and esteem. But in right reasoning, comparing Sir George Rodney's conduct with that of the late Lord Hawke was unjust to both, because the circumstances of the two actions were distinct in their nature, and necessarily different in their consequences. The true point of comparison was to compare Sir George Rodney's conduct, and the importance of the event of that conduct, with the conduct and consequences of any other action in the course of the present war. Upon such a view of it, it would be found to stand supereminent, and to be above all comparison, because in the whole of the war it would be found, that there neither was any one event to be fixed upon, that had been at all parallel to it, in the conduct that led to the consequences, or in the consequences themselves. In the action in which Sir George Rodney, happily for himself, and most happily for his country, had so eminently and so gloriously distinguished himself, there was

All the pride, pomp, and circumstance of war,
and what gave it so much splendour, was, the shining ornaments

ments and illustrious spoils acquired by the victory : the Commander in Chief, an able and experienced officer, taken prisoner on board the largest ship in the whole of his fleet, fitted out with infinite completeness, and at an immense expence, avowedly the pride and vanity of France, boasting the name of its capital, and universally pronounced by its subjects invincible ! This it was, that heightened the glory of the event, that justly raised the spirits of Englishmen, properly feeling, proud at a circumstance that reflected so much honour on the valour and intrepidity of British seamen, and the good conduct, firmness, and undaunted courage of the Commander in Chief and all his officers ! So far from the fleet under Sir George Rodney being dispirited and wanting confidence, as the noble Duke, who spoke last, had asserted, his Lordship declared the reverse was evidently the fact. The fleet were to a man full of spirits, and united in the fullest confidence in their Commander ; he had led them on to victory ! he had taught them how to conquer ! Nothing then but the maddest and most lunatic disdain of all prudence, and disregard of all wisdom, could dictate the persevering in the folly of separating seamen high in spirit, and flushed with victory, from a Commander whom they had, by repeated successes, been brought to consider as an inspired officer, the peculiar favourite of Providence, and the chosen instrument of Heaven's vengeance on the foes of their country ! On such a day therefore as this, when a circumstance of so much national glory was under consideration, he was not a little astonished to find the custom of reviling a late administration resorted to, and revived ; and the more especially, as it must on all hands be acknowledged, that the very victory, every one of their Lordships was willing to allow, deserved to have the authors of it spoken of in terms of the highest commendation and praise, was owing to the wise appointment of officers, and the careful preparations of force, of those who had been his Majesty's late ministers, and whom therefore he had expected, would have had the cold justice done them at least, of having it allowed, that however faulty, and however liable to challenge and censure their conduct might have been in other respects, in this it merited to have it said, that they had done well. His Lordship declared, he felt himself to be as impartial upon the subject as any one member of that House, because, though he had a great personal regard for several of the late Administration, arising from personal intimacy, and a high respect for others, whom he was not acquainted

quainted with, but of whose abilities he entertained a good opinion, it so happened, that he had no acquaintance with the noble Lord who had been first Lord of the Admiralty, and no reason whatever, to think he had ever owed him a single obligation, farther than that which he had shared in common with every other person who had occasion to have access to him upon public business, viz. the being always treated with singular politeness and civility. So far from entertaining a partial opinion in his favour, having been accustomed to hear repeated censures of the conduct of the Admiralty, from the noble Duke and others, convinced as he was that the greatest part of those censures were wholly unmerited, he had, upon the whole, conceived, that there could not be so much blame imputed without there being cause for some of it; and thence he had persuaded himself, that some of it would stick, as due to the conduct of the noble Lord. In the present instance, however, it was but cold and barren justice to declare, what the fact fully proved, that the noble Lord had great merit in providing so powerful a fleet during such a summer of depression as the last was, and fitting it out with such a quantity of stores as Sir George Rodney in his own letter declared it had. With regard to the noble Lord's not rewarding Sir Samuel Hood, who had undoubtedly behaved with infinite skill, spirit, and bravery, it ought to be remembered, that it was not in the noble Lord's power. From a consideration of dates, it would be found, that when the news of the affair of St. Kitt's, which did that gallant officer so much credit, arrived, the noble Earl must be aware the power he then held would soon pass into other hands, and that he should be liable to abundant and severe censure, if he, in the interval, proposed any measure, like rewarding an officer of his own appointment. Partiality, improper preference of his own creatures, and a variety of other unfair, but grating imputations, would have been suggested against him; to which, considering the temper of the times, it would have been impossible to have given any answer, that would have been sufficiently satisfactory to the public to have cleared his character from the prejudices and suspicions, generated by such attacks as he had just mentioned.

Duke of
Manchester

The Duke of *Manchester* said a few words, in answer to what Lord Loughborough had said, respecting his argument.

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The Duke of *Richmond* also replied, and began by saying, Duke of
Richmond. the noble Lord himself was not correct in dates; for the first piece of conduct of Sir Samuel Hood, that merited reward, took place two years ago. His Grace replied to two points, which, he said, he could not let pass; the first was, an expression which the noble and learned Lord had dropped, he dared to say, without meaning it to convey that idea abroad, which, by misconstruction might be put upon it: the expression was, that he had said, "the fleet under Sir George Rodney was dispirited, and had a want of confidence." Certainly it was far from his meaning to say, that the officers and seamen on board the fleet under Sir George Rodney wanted spirit, or had not a full confidence in that Commander. He knew to the contrary, and only meant to say, the conduct of the late Board of Admiralty had been such as demonstrated to the whole navy, that no confidence could be placed in them. With regard to what the noble and learned Lord had said of the late action being, beyond all comparison, the most glorious of any that had happened in the course of the present war, he denied the fact. If great things might be compared with less, which according to their extent were equally brilliant, the conduct of Admiral Barrington in his late engagement off Brest, and that of Captain Jarvis, in taking the *Pegasus*, were to the full as glorious; the conduct of Captain Jarvis, in particular, deserved every possible expression of admiration and praise; to continue close engaged with a ship of equal force for so long a time, and to contrive to destroy two hundred of the enemy, and to lose so very few, and at the same time have so few wounded, proved uncommon discipline, conduct, and merit. To save the life of a citizen was allowed by the Romans to merit a civic crown, what then was due to Captain Jarvis? In answer to what Lord Loughborough had said, of the Ministers not having time enough to reward Sir Samuel Hood, he observed, that they had found time enough to reward themselves. As a proof of this assertion, he instanced the case of Lord North's having, after he had declared his administration was at an end, procured a pension of 4000*l.* a year for himself. His Grace also mentioned the additional pension of 1000*l.* a year granted to Lord Loughborough, and said, wishing as he did, to see the Judges independent, he could not but think the looking up to the Crown for pensions, when Parliament had declared its disapprobation of a further increase of the incomes of the Judges, was in his opinion highly improper. His Grace con-

cluded with assuring the noble Lord, he meant nothing personal to him; and reminded him, that he had not introduced the subject.

Lord
Loughbo-
rough.

Lord *Loughborough* rose again, and said, although he had no idea, that in the discussion of a motion for the thanks of that House to be voted to Sir George Rodney, matters immediately personal to him, would have been introduced, yet the introduction of any such matters should not induce him to desist from that line of conduct, which he thought it incumbent on him to pursue. With regard to his additional pension, he was ready to acknowledge, in as full a manner as the noble Duke's candour, liberality, and good humour could expect, that such a mark of the royal bounty was wholly unmerited on his part. It had not been asked for in an unbecoming manner by him, and was not an unprecedented grant. Neither was it, his Lordship explained, personal to him, the grant having been made merely as an addition of income, which it was thought becoming his place to have allotted to it.

The Duke of Richmond and Lord Loughborough were up several times on this particular point.

The Lord
Chancellor.

At length the *Lord Chancellor* rose, and began with disclaiming any intention of touching much upon the point last alluded to, or the comparison between the event of Lord Hawke's action and that of Sir George Rodney. He said, he was persuaded it was perfectly consistent with the constitution to encrease the incomes of the Judges, in the manner in which his learned friend's income had been encreased, and he stated several precedents to support what he had said on the subject. With regard to the recall of Sir George Rodney, his Lordship said, none but a child would argue upon it, so as to connect it in any manner whatever with the late great and eminent success of that commander. They were distinct and separate matters, and he would pledge himself to argue them, whenever a question upon it should be brought forward. His Lordship coincided a good deal in opinion with the Duke of Richmond, and said, if Ministers had no will of their own, and were not capable of acting by their opinions, but were to come down to that, or the other House of Parliament for advice, upon particular executive measures, they were unfit to be Ministers, as they ought to be ashamed to act upon the judgments and opinions of other men, and not upon those of their own forming.

The motions were all put, and agreed to *nemine dissente.*

Lord

Lord *Loughborough* then rose, and said, there was an essential point their Lordships seemed to have forgot, and which the precedents on their Journals shewed upon great and signal victories to be customary, and that was, to congratulate his Majesty on the success of his arms. After some further preface on the subject, his Lordship moved,

“ That an humble address be presented to his Majesty, to congratulate his Majesty on the late signal successes of his powerful and well appointed fleet in the West Indies, and to express our reliance on the Divine Providence, that those successes, so conducive to an honourable and advantageous peace, may obtain a farther extent, from the bravery of the seamen, the approved conduct of their commanders, and the wisdom of his Majesty’s councils.”

The *Lord Chancellor* called for precedents, and said, he thought according to the ordinary course of proceeding, that such a motion as that now made, should have been made first of any, or not at all.

Lord *Loughborough* shewed that it was made at the proper period, as it was a conclusion built on the premises established by the former resolutions. His Lordship read the precedent in the case of the capture of Porto Bello by Admiral Vernon.

The *Lord Chancellor* thought that a bad precedent, and proposed to leave out the words powerful and well-appointed fleet; and objected to the words so conducive to an honourable and advantageous peace, as resting more than was prudent on a sanguine, but a mere political opinion.

Lord *Keppel* said he would never consent to the words well-appointed, because he must first know more than he did of the condition of the fleet. It might be well appointed, but he was not sure it was so. As to the conclusion relative to its leading to a peace, he asked, were the enemy extirpated from the West Indies? And afterwards stated their power still to shew themselves formidably.

Lord *Loughborough* agreed to leave out the words powerful and well-appointed, (though he referred to Sir George Rodney’s letters for the proof of them) because Lord *Keppel* had said in his place he did not know that the fleet was powerful and well appointed. Lord *Loughborough* also agreed to leave out the words so conducive to an honourable and advantageous peace, though, he said, he had only used them in a moral sense, as expressive of the sole end of victory. But as other Lords had understood them in a political sense, to denote that this victory must be the cause of peace, and

that was not his meaning, he had no objection to omit them entirely.

The Earl of Sandwich.

The Earl of *Sandwich* rejoiced at the noble and learned Lord's consenting to omit the words powerful and well appointed, because they conveyed a side-wind approbation of his conduct, which was a sort of approbation he by no means desired.

Lord Ashburton.

Lord *Ashburton* complimented the noble Earl on his candour, but started, as a third objection to the motion, that it still, by a side-wind censure, reprobated the measure of recalling Sir George Rodney.

The motion then read by the clerk was,

"That an humble address be presented to his Majesty, to congratulate his Majesty on the late signal successes of his fleet in the West Indies, and to express our reliance on the Divine Providence, that those successes may obtain a farther extent, from the bravery of the seamen, the approved conduct of their commanders, and the wisdom of his Majesty's councils."

An amendment was moved by the Duke of Richmond to leave out the words fleet in the West Indies, and insert the word fleet, so as to comprehend Admiral Barrington and Captain Jarvis's success.

Lord Loughborough.

Lord *Loughborough* in reply said, what the noble Duke had proposed, reminded him of the answer Augustus, the Roman Emperor, gave the Ambassadors of Troy, who came to Rome two years after his son's death, to condole with him on that event. His reply was, "I condole with you on the death of Hector."

The Lord Chancellor.

The *Lord Chancellor* supported the Duke of Richmond, and recommended a reduction of the motion to the mere congratulation of his Majesty, without mixing in it any positive decision upon facts.

Lord Stormont and Earl Bathurst supported Lord Loughborough. At length there was a division, and the words were left out by a majority of 37 to 5.

It was then moved to insert the word fleets, and afterwards to leave out all the following words of the motion; both which were carried, and the House adjourned.

May 28.

Passed the Exchequer loan bill, and the inland bills of exchange bill; and ordered the Lords to be summoned for Thursday.

May

*May 29. **

King Charles's Restoration — a state holiday.

May 30.

The Earl of *Radnor* moved that a Committee be appointed, to consider whether it would be proper and practicable to build a gallery in that House, for the admission of strangers. The House, after a short debate, divided upon the motion : for it, 31 ; against it, 30. The Earl of Radnor.

A Committee was therefore appointed, to consider the business, and report : but the House disagreed to the report.

This matter being discussed, their Lordships next proceeded to read the reasons given in by the House of Commons, at their late conference, relative to the amendment upon the contractors bill.

A short conversation took place, in which Lord Althurton and the Earl of Coventry gave their opinions for not insisting on the amendment.

The *Lord Chancellor* rose in reply, and contended, that it would be improper, and precipitate in their Lordships, to drop the amendment without previously submitting their reasons for having adopted it, to the House of Commons. He thought such a measure would be highly inexpedient and unbecoming. He went into the merits of the cause, and threw out a variety of similar arguments in favour of the amendment, to that which he had suggested on a former occasion. He then moved the House, that their Lordships do insist on the amendment. The Lord Chancellor.

The Duke of *Richmond* could not see the force of the Lord Chancellor's argument. He said the House of Commons were already well acquainted with the arguments which had decided their Lordships in favour of the amendment ; and that it would be much more becoming, at once, not to insist upon it. Duke of Richmond.

The motion being read, the House divided, when there appeared, for insisting on the motion, contents, 10 ; not contents, 30. Majority, 20.

May 31.

No debate.

June 3.

The Earl of *Hillsborough* rose to call the attention of the House, for a few moments, to a matter of considerable importance. The Earl of Hillsborough

portance. His Lordship said, he had received several letters from Ireland, from which he found that great uneasiness was arising in that country, with regard to the real intention of the British Parliament, to follow up their late resolutions, with such proceedings as should give them effect. He reminded their Lordships that three weeks had elapsed, since both Houses had almost unanimously (with a single negative only in the upper) agreed to resolutions for the relief of Ireland, one of which was, that the act of the 6th of George I. ought to be repealed. As the public had agreed that the statute he had just mentioned, ought to be repealed, he begged to enquire of the noble Lord in his eye (Shelburne) why it was not repealed? or why some proceeding for that purpose had not been begun? There was also a bill, the noble Earl said, which, when he had the honour to be in administration, had been sent over from Ireland, but he knew not what was become of it now. The bill to which he was alluding, came from a learned, great, and very considerable man in that country; from a gentleman who meant well to government; and who, from his first appearance in public, had made the public good his chief study; that gentleman seeing, that from denying that the Irish were bound by an act of the English Parliament, the greatest part of the property of Ireland was loosened; and finding that infinite alarms prevailed from that consideration, brought the bill in question into the Parliament of that kingdom, with a view to quiet the alarms of the people; and to cure the mischiefs that threatened to flow from a declaration, that England could not legislate for Ireland. His Lordship said, he was treating of Mr. Yelverton's bill, which he understood was paused upon in the Privy Council; it not being deemed safe or proper to send the bill back to Ireland, before something was done by Parliament, towards the actual repeal of the 6th of George I. He wished therefore that they might be as little delay as possible. The time, he observed, was critical, and particularly so with respect to Ireland, it being just on the eve of a variety of meetings of associations, in which, though the general sense of each assembly might be, what he was very well satisfied it would be, — that there was no cause whatever of suspicion of the good intentions of this country; yet some imprudent man might get up unadvisedly, and suggest matter of alarm, and matter tending to consequences, which every friend to both countries must wish to see prevented.

His Lordship warmly pressed the reasons which induced him to think, that no time should be lost in proceeding to
repeal

repeal the 6th of George I. the measure was single and unconnected with the other parts of the proposed proceedings with respect to the modifications of Poyning's law, the alterations of the mutiny act, or the negociation meant to be instituted between the Crown and the Irish Parliament, for the purpose of establishing a good understanding between the two countries. With regard to Mr. Yelverton's bill, the noble Lord in his eye might possibly answer, that it would be decided upon to-morrow, (not indeed to-morrow, a day on which they all delighted to rejoice, but on Wednesday); the sooner, however, the better. At the same time his Lordship begged he might not be thought to countenance suspicion in others of neglect, or unnecessary delay in Ministers, or that he meant to lead such suspicions, or induce their being entertained. He saw the danger of delay perhaps more forcibly than they might; and so far from his being actuated by so base a motive, as a desire to make what was bad worse; his sole aim was, to prevent what was already bad, from growing still worse. He hoped, and believed ministers were sincere in their good intentions towards Ireland. He was persuaded, they had no other object with regard to this country and to that, but to promote the interests of both; but persons at a distance, who were not so well convinced of their good intentions, might construe every little delay into matter of suspicion and alarm, and therefore he conceived, he best shewed himself the friend of government, by cautioning them of their danger.

The Earl of *Shelburne* said, that as long as he had the honour to have a share in any administration, he would answer for it, the conduct of government should be so regulated, that there should not arise occasion for concealment, and that there never should be cause for cluding enquiry; on the other hand, the more every point and particle of that conduct was examined into, the better it would be found to bear the light, and the more justifiable it would appear. He thanked the noble Earl therefore, and he would at all times hold himself obliged to any man, let his motives be what they might, for giving him an opportunity of answering any question that might be suggested; he did assure the House, that he would always give a fair, open, and clear reply, as far as was consistent with the safety of the state, and he would not shelter himself under the protection of any majority, in regard to that safety, but would leave it to be determined on by the sense of the people at large.

In respect to the present question, he was happy to have it in his power to give a distinct, clear, explicit, and direct answer. The resolutions of both Houses were voted, if he recollected right, above twelve days ago; they were instantly sent over to Ireland, and laid before the Irish Parliament immediately, it happening that they arrived in Dublin on the very day that the Parliament there assembled; the messenger had not returned till this very day, arriving at ten in the morning at his office, and so far was there from existing the least ground of complaint, on the score of delay or neglect, that at twelve at noon (two hours only, after the dispatches came to hand), he had sent the rough draft of the bill for the repeal of the 6th of George I. to the Attorney and Solicitor General to be prepared for Parliament. He would appeal therefore to the noble Earl, whether every possible dispatch had not been used? With regard to Mr. Yelverton's bill, the noble Earl had been rightly informed, that the bill was delayed in the Privy Council; he knew not where the noble Earl got his intelligence, but the fact was so. The reason, however, of that delay, was not, as the noble Earl had suggested, because it was deemed necessary to come to Parliament first, and obtain a repeal of the 6th of King George, but merely on account of the ill health of their noble President. The same cause, (with which most of their Lordships had been more or less afflicted,) kept the noble Lord from being present in the House that day, or he would doubtless have explained the matter fully. As soon as his noble friend recovered his health, the bill in question would undoubtedly be presented to the Council; decided upon with all possible dispatch, and returned to Ireland. His Lordship said, for the satisfaction of the House, he would add a few words more; he had indeed read over his dispatches hastily, for the sake of sending them, where those noble Lords who had been in office, must know, they were at that time. Curiously, however, as he had perused the dispatches, he had read enough of them to see, that so far from their being any suspicions of the sincerity of the British Parliament entertained in Ireland, the whole kingdom was penetrated with the most lively sense of gratitude, for the late instance of magnanimity, and generosity, and goodness of this country towards that. In full Parliament a debate had taken place upon the subject, and with great good sense and propriety, the Secretary to the Lord Lieutenant had determined to ascertain, who it was, that did not think the British Parliament had done every thing that

Ireland could expect or desire ; in conformity to that very wise idea, he had insisted on a division of the House, upon the address proposed in return for the resolutions voted by both Houses here — the consequence was, there were but two persons to be found who dissented from the general sense of the Irish Parliament. In fact, his Lordship said, words could scarcely do justice to the grateful sense of Ireland on the occasion. It was about to shew itself in the strongest and most forcible colours. He believed he might assure the House, that Ireland had resolved on a very extraordinary proof of its gratitude, no less than giving 20,000 seamen to the British navy. Such a gift as that, his Lordship observed, was a solid, substantial, and real advantage. It would tell abroad, and could not fail to prove of the most essential service to Great Britain. This therefore proved, that Ireland was satisfied ; indeed, it was agreed in that kingdom, that there now remained no one constitutional point to be settled between the two countries. So that unless the noble Earl meant to be added as a third person to the two he had mentioned, as dissenting voters in the Irish Parliament, there were but two men in existence, who, to his knowledge, entertained the smallest disapprobation of what had been done for Ireland, or was not fully contented with it ; but this he could not suppose of the noble Earl, after his having declared, in such express terms, that he was actuated by the most friendly motives towards administration. He was sure the noble Lord meant a kindness, and he was willing to accept, what he had said, upon the grounds of good intention and friendship.

The Earl of Hillsborough rose again, and declared his astonishment at the noble Earl's accusing him, with being discontented with what had been done for Ireland. He could scarcely suppress his indignation at having such a feeling imputed to him ; after having spoken in the manner in which he had delivered himself, he did not deserve to be so treated. Nor could he account why the noble Earl had used him with so much severity ; it was not consonant with the gentleness of the noble Lord's manners any more than it was merited by him. He had not the happiness which that noble Lord had, of being able to boast of his having been born in Ireland, but there was not a man in that country, who wished more to its prosperity, or had taken more pains to promote it, than he had. He was now an old man ; he had sat many years in the House of Commons, and he had taken the lead there, in obtaining those beneficial regulations, respecting the linen

Earl of
Hillsbor-
rough.

trade of Ireland, which were granted her some years since. On every other occasion also, for forty years, had he stood up the advocate and strenuous pleader for Ireland, and he should continue to do so, as far as was consistent with his duty. He owed a duty to that House, and to Great Britain, and a duty to Ireland, and the House of Peers there, of which he was a member; and he always had, and always meant to discharge it, in both instances, with zeal and fidelity. The noble Earl seemed to have accused him, for no other purpose but to acquit him; he should only therefore say, farther, that he held the accusation and the acquittal in equal esteem.

The order of the day, for the third reading of Mr. Crew's bill, being moved, and the bill read, the Lord Chancellor proceeded to put the question, when

Earl of
Mansfield.

The Earl of *Mansfield* said, that observing no other Lord rise to say a syllable upon the bill, he would shortly state his reasons for objecting to it, but he was aware that many words would be useless, because the bill, in that stage of it, was rather a fit subject for meditation than argument, since the latter could not be of much avail; he could not, however, bring himself to give a silent dissent from it. The bill was, in his mind, a bill which did a great and material injury to a large and numerous description of individuals, and a bill tending to the dangerous depression of legal power. In both these points it struck him to be highly objectionable. In the first place it went to take away from all persons, employed in the collection of the revenue, one of the dearest franchises enjoyed under the British constitution, — the franchise of giving a vote at an election of a member of Parliament, and choosing by whom they would be represented. This was not only a very extraordinary stretch of the power of government, but such an one as was unexampled in our history: formerly, place-bills had been proposed at different periods, but they all proceeded on a principle directly the reverse of that on which the present bill was founded. They tended to enforce regulations within the walls of Parliament, and to say who should, or should not sit, as a representative of the people. The present bill, on the contrary, went much farther; it went to the saying, who should, or should not vote for representatives; thus it took away, at one stroke, what every Englishman was entitled to consider as his unalienable birthright. His Lordship entered upon an historical review of the nature of the British government at different periods of time. In the early days of our existence, it was, he ob-

served, solely in the hands of the Crown; this being as absolute a monarchy as France, or any other in Europe. The Crown could make war, force the subjects to support that war, and, in fine, oppress them in an infinite variety of ways, for every purpose that the will or caprice of the monarch prompted. The people had no share in the government, the King had no controul, the power rested solely with him. At the Revolution the constitution was better, and more wisely settled. The government was then divided equally between the three estates, the power of the Crown was lessened, and the people had an essential part lodged with them. The Crown was still allowed to hold the executive part of the government, but having lost its prerogative, was lowered down so as to become almost merely nominal. Let their Lordships look for a moment at the state in which the government now stood. The King could not make war, he could do nothing essential, without the support and concurrence of his Parliament; the popular branch of the constitution had a check upon the action of the whole state machine. After these observations, his Lordship argued, that in this country the Crown must have its necessary degree of weight and power; to lower it too much was to the full as dangerous as to raise it too high, and to give it too much authority. In case the monarchy was wholly destroyed, and the government vested in the two Houses of Parliament, it was evident where the greater share of power would lodge; not in that House, but in the other; what would be the consequence? Anarchy and confusion, disorder and ruin! In all mixed monarchies, the Crown must have its equal share of power, or the balance that poised the whole, and preserved the constitution, would be lost. He was persuaded, that a conviction of this being indispensibly necessary to the good government of a free country, was the sole motive that induced Oliver Cromwell to aim at being crowned. It was not his vanity; he was too wise a man to be actuated by so weak a motive. He saw the advantage that would arise to the country from its having a third estate. In order to see, that place-bills, which, in his opinion, had never answered any good purpose, were unnecessary at the time that they had been agitated, he desired their Lordships to recollect the particular periods of our history when they had been introduced. The first place-bill was brought in, in the reign of William the Third, as great a general in the field, and as great a statesman in the cabinet, as ever existed! Nothing could now be

more clear, than that King William had the interest of this country greatly at heart. He had no family, and there was consequently no pretence for suspecting that he was actuated by any ambitious motive to encrease the power of the Crown; and yet, they all knew, that King William was throughout his whole reign thwarted, checked, and his government perpetually embarrassed on the plea, that the influence of the Crown was too great. Nay, so visionary and speculative were some Utopian politicians, that a general place-bill was attempted, and the King felt himself so ill used by that country, of which he had been the saviour, that he had serious thoughts of retiring from it, and nothing but that magnanimity of mind, which had first brought him over, induced him to stay here. In the next reign, that of Queen Anne, when Lord Marlborough was obtaining the most glorious victories for the arms of Great Britain abroad, and Lord Godolphin held the administration of affairs, so much to his own credit at home, place-bills were again introduced, and Lord Godolphin found it a most difficult matter to carry on the government. Again, in the reign of George the Second, at the time that Sir Robert Walpole was forced out against his own will, and against the will of the Crown, place-bills were introduced on the plea, that the influence of the Crown was too great, although the contrary was most unanswerably proved, by the Crown's not being able to keep in its favourite minister. In fact, his Lordship said, the popular cry against the influence of the Crown had uniformly been loudest when it was evident there was least real cause for it. He declared, he would not undertake to say, that in King William's reign it would not have been better for this country, if that monarch had not been so perpetually checked and thwarted; nor would he undertake to say, that it would not have been better for the country if Lord Godolphin had held the government longer, or if Sir Robert Walpole had been suffered to remain minister instead of being forced out. All the men run at, in those times, were at this day memorable names, and universally allowed to dignify the page of history. When prejudice and passions were no more, he was convinced many violent opinions, now zealously entertained, would be acknowledged to be erroneous. In regard to government, it was natural for prejudices to prevail against those who held it; it ever was, and ever would be the case. In the reign of Queen Elizabeth it had been said, "that those who spoke against
Government

Government always addressed themselves to willing hearers." At present, he was not so blind as not to see that the torrent ran for what was called, lessening the influence of the Crown. In the giving way to that torrent, however, it behoved their Lordships to act with great caution. If they suffered themselves to be unwarily hurried away by the rage for reformation that prevailed, and which was founded in an eagerness for popularity, they might endanger the constitution, which must always be affected by a depression of the regal power. His Lordship also took notice, that attempts were made, not only to depress the regal power, but to set up associations and meetings, without doors, for the express purpose of awing and controuling Parliament. Their Lordships had recently had a fatal proof of the evil tendency of popular associations, and he prayed God there might never be a second proof of the same nature! Before he concluded, his Lordship said he had purposely spoken to the bill, as containing an abstract and speculative proposition, without taking into the argument any of the various reasons of a temporary nature, that might be alduced. It had been said, that it was a bill to prevent smuggling. A purpose to which it was unnecessary to apply a new remedy, because there were many and severe laws in force to punish that offence. Smuggling was besides an offence clearly defined and ascertained. He had, therefore, carefully avoided adverting to that or any similar matter, and had confined himself to such reasoning as went to shew, that the bill, abstractedly considered, was such as ought not to pass.

The Bishop of *Peterborough* said, the noble and learned Earl Bishop of Peterborough. has represented this bill as a visionary scheme of innovation, whose principle depresses the regal part of the constitution, and which does injustice to a great number of people. Could I see the least reason to believe, that it might even, in its most distant consequences, be productive of the danger apprehended to the constitution, or that it injured any set of men whatever, I could not justify to myself the consent I shall give to its passing into a law.

But whatever objections may be made to visionary plans, or speculative experiments of innovation; whatever arguments may be urged in favour of established forms and usage, which have the sanction of antiquity and received opinion, they do not in my mind at all apply to the case now under your Lordships consideration.

The object of this bill is plainly and simply to restore Parliament in some degree to its original principles of purity and independence, and to preserve in a due mixture or equilibrium, the several powers of state, whose distinct rights and united force form the strength and excellence of our constitution.

The wisdom and jealousy of former times, has, as occasion required, excluded from a seat in Parliament certain descriptions of men, who were judged liable to be influenced by their places or their pensions. It has restrained others from interfering in parliamentary elections; the reason and principle of those regulations was the very same as that on which this bill is founded, and declared in the act of the 5th of William and Mary expressly thus, "because, that elections of members to serve in Parliament, by the constitution of this country, ought to be free and incorrupt." Such being the principle of the bill now before your Lordships, and the Commons, by passing as they have done, having declared their opinion that elections cannot be looked upon as free and incorrupt, while the Treasury has command of so large a body of voters, as are engaged in the management of the Customs and Excise, the point for your Lordships determination lies within a very narrow compass: if there is any Lord who thinks the evil does not exist, he will doubtless judge the remedy unnecessary; but so many of your Lordships as are of opinion, that an undue influence has been exerted on such occasions, and may be exerted again, must (to be consistent with the constitutions and yourselves) agree to suspend the votes of such officers as prefer their places to the right of voting, so long as they continue under that controul.

Nor can I see this in the light the noble Earl did, whereon he formed his other objection, as doing injustice to a great number of people. On the contrary, I am persuaded far the greater part, if not every man, who is affected by it, will rejoice, that he is no longer obliged to exercise a power under the direction of another will than his own.

Can any man be supposed to set a value upon a mere nominal choice, where his inclination is sure not to be consulted, but in most cases to be contradicted and over-ruled?

Nor do I believe this as mere matter of opinion; I am founded in the conclusion, that no injury is done by the bill, because no person whatever affected by it, has petitioned against, or even objected to it; if men do not object, it is a fair conclusion they admit; such was very lately the reasoning of the noble Earl, and his conclusion, *volenti non fit injuria*.

Was

Was this indeed the first time of the subject being canvassed, it might perhaps be supposed, that the Excise and Custom-house officers dare not appear in opposition to it, because they believe the bill to be a measure of Administration; but your Lordships know this matter was agitated some time ago, under another Administration by no means favourable to it; yet, even then, if I am rightly informed, not a single petition was offered against it.

But though I do not see this bill in either of those lights which it seems to strike the noble Earl, as endangering the constitution, or injuring individuals, I do see it in the light of great public advantage; besides its immediate object, it will facilitate the correction of negligence and abuse in the receipt of the customs, and will afford an effectual means of putting a stop to the illicit practices of smuggling.

I will trespass upon your Lordships indulgence with but one observation more. If there is any man whatever who is more particularly interested than another that this bill should not pass, it is the First Lord of the Treasury, and yet I verily believe, there is no man in the kingdom who has the passing of this bill more at heart than the noble Lord who presides at that Board; convinced, I am persuaded, he is, that at all times, and especially in times like these, to administer the affairs of this country with advantage to the public, or credit to himself, he must add to the confidence of his Sovereign, the support and approbation of a free Parliament.

The Marquis of *Rockingham* said, the bill had now arrived at that stage, to which he wished to see it brought, viz. to its third reading. His Lordship declared he was so ill, that he was scarcely capable of saying one word; the disorder that prevailed so universally, afflicted him so severely, that at times he was not in possession of himself; he was glad, however, indisposed as he was, to be present, to give his hearty approbation of the bill. The number of persons it would affect, was larger than their Lordships could have imagined; he made no scruple to avow, that it was the magnitude of the bill, that was its chief recommendation with him. He said, that there were no less than seventy boroughs where election depended chiefly on the votes of revenue officers; the Custom-house alone, he said, had five thousand persons belonging to it, besides about two thousand five hundred more of extra tide-men, &c. and the Excise, at least, four thousand more, who were voters. He desired, therefore, to be relieved from the disagreeable circumstance of being obliged to force these persons from voting against their

Marquis of
Rockingham.

their will, or from incurring the imputation of having done so. He said, the revenue officers, as the law now stood, not only were forced to vote for those they did not approve, but to vote against their own friends, and those in particular to whom they were most obliged. This was surely a very considerable hardship; in order to prove the assertion, and shew how severely it pressed, his Lordship said, there was a particular borough, in which there were five hundred voters, and of these one person, who had happened to live in terms of intimacy with the first Lord of the Treasury for many years past, had got one hundred and twenty appointed to places under government. He appealed therefore to their Lordships, whether it would not be a great cruelty to oblige these one hundred and twenty to vote at the next election against the person who put them into their present employments as revenue officers? Having urged these and other arguments, his Lordship concluded with declaring his satisfaction that such a bill had been brought in, and expressing his earnest hope, that it would receive the sanction of the House in that, its last stage.

The Lord Chancellor.

The *Lord Chancellor* put the question, and saying, "the not-contents hath it," the House divided, Contents, 34; not-contents, 18.

Adjourned to Juny 5.

June 5.

Private business till June 17.

June 17.

On the order of the day, for the third reading of the bill for repealing the act of the 6th of George I. being called,

The Earl of Abingdon.

The Earl of *Abingdon* spoke to the following effect: I rise most cordially to express my concurrence with this motion; to rejoice in the repeal of the law which is the object of the bill before us; to profess my most entire and perfect satisfaction with every thing that has been done by his Majesty's present Ministers for the kingdom of Ireland, and to regret only, that what has been done, was not sooner done, from the plain conviction of its rectitude. But, my Lords, when I have said this, I hope I have said enough on the part of Ireland. In the extacy and rapture of conferring acts of justice upon Ireland, the rights of Great Britain are not to be abandoned, nor must they be overlooked. This country has still its rights. This country is still the seat of the empire; and this

this country must remain the seat of the empire, or the last drop of its blood must be shed in the contest. My Lords, I do not choose to open myself farther upon this occasion at this moment; but it is my fixed design to trouble your Lordships with a motion upon the present relative situation of these two kingdoms, of the greatest magnitude, and, perhaps, of the highest importance that ever called for your Lordships deliberation. Whether I shall be able to do this in the present session of Parliament, or not, will depend upon the time of the sitting of Parliament: but if from this circumstance I should be prevented from bringing this motion forward now, your Lordships may be assured, that it will be among the very first matters of business that shall engage your Lordships attention upon the opening of the next session; or rather, should a dissolution of Parliament take place, upon the opening of the next Parliament. And now, my Lords, I will not trouble your Lordships farther, than to repeat my approbation of the present measure, and to give my assent to the passing of this bill into a law.

The bill passed without opposition.

June 25.

In the Committee on the bill for arming the people, Lord Stormont rose, and said, that though he did not mean to enter largely into the merits of it, though he disliked its principle, yet he could not but object to many of its clauses, inasmuch as they appeared to him inadequate to the purposes which it was designed to answer. Short as the bill was, and mysterious in its parts, his Lordship evidently perceived in it a tendency to abridge the prerogative of the Crown; and by vague and undefined expressions, leave ample latitude for strange conclusions to be drawn from them; and in bad hands to be converted to dangerous purposes.

His Lordship adverted to a particular clause in the bill, which he said defeated the whole intention of it; and this was, that there was no power given to oblige the volunteer corps to march in the moment of invasion or rebellion; or to try them by a court martial, if, having received orders to march, they should lay down their arms: nor was there the smallest penalty, and consequently no security that an efficient force could be collected at any hour of danger, from a set of men who could act at their own option in a moment that it should be necessary to place all our force under the dominion and authority of one or more Generals. From those objections, as

well as his aversion to the principle of the bill, his Lordship said he would oppose it in every stage.

The Earl of
Shelburne.

The Earl of *Shelburne* rose in reply, and said, that he had read the bill with extreme attention, and solemnly declared that he saw nothing complicated, intricate, or doubtful in it; but if the noble Viscount would point out any inaccuracy or fault, and substitute any thing better, or more elucidating, he would gladly meet his ideas, and consent to his amendments, provided they were not subversive of the principle of the bill.

Commerce, riches, and luxury, had enervated the people of this country very much, which he extremely lamented, and wished sincerely that every man in the nation was to carry his musket. It would prove, to be sure, a severe stroke to the game laws; but his Lordship observed, that he had ever thought them so impolitic and wicked, that he would feel pleasure to see them all consumed by the hands of the public executioner.

Lord Stor-
mont.

Lord *Stor-mont* again objected to the several clauses of the bill, and observed, that there might be some Lieutenants of counties who might recommend very unfit persons to hold commissions; for though his Majesty's disapprobation would set aside any person applying for commissions, yet his Majesty knew only the character by the Lord Lieutenant; so that the latter had in reality the nomination.

Earl Gower

Earl *Gower* objected to the principle of the bill, though he would wish our power to resist an invasion to be at any time great and formidable; but he could not see what occasion there was, on any account, to introduce the word rebellion in the bill. He was afraid that the corps alluded to would be more likely to encourage than to suppress it.

Duke of
Richmond.

The Duke of *Richmond* said, that every argument he had heard against the clauses had an ultimate tendency to defeat the intention of the bill. His Grace observed, that this country never had at any time a greater force on paper than it had at present, nor any power perhaps in the world, notwithstanding the deficiency was great in every complement and division of that force; that some expedient must be devised for obtaining an additional aid to it. The present was the best scheme which could be devised; and it was merely experimental. If it was found to answer the ends proposed, the labour and expectations of their Lordships and the public at large, would be fully gratified. If it answered only in part, and had merits and inconveniencies, it would be sub-
ject

ject to future revision and amendments. But as for the spirit of the bill, it was simply this, a call upon the people to arm and be ready to defend themselves on any emergency; and it was the most natural and proper force that could be adopted. The Americans found the advantage of it, and from whatever quarter wisdom or experience could be collected, in the present crisis it should not be despised.

Lord *Loughborough* rose, and objected to the whole bill, not so much for its principle, but for its being subversive of the benefits and advantages which noble Lords contended it would produce. His Lordship said, that gentlemen might associate, arm, and discipline themselves, but when they were called upon to march from their town, fifty might agree to obey these orders, while as many may reply, "we shall not march." The present bill had nothing compulsory in it to oblige them to proceed from their towns on service, or having done so, there was no clause to compel them to remain in obedience to any commander, but they were one and all at liberty to say, "we do not choose the King's pay, nor to serve any longer."

Lord *Ashburton* rose and said, that the noble Lord had totally mistaken the nature, the principle, and scope of the bill, which was nothing else than an animated constitutional call upon freemen voluntarily to enter into service; and if they do, and are called upon duty, this bill exhibits to them encouragement and benefits; it means not any species of compulsion, because it is addressed not to beasts, but freemen. The learned Lord supposed what no man believed could ever happen, that disciplined English citizens will, in the hour of national peril, lay down their arms: before the Restoration, and in the early parts of our history, when the service by tenure prevailed, we have no such disgraces recorded, that could make posterity blush for the actions of their ancestors. The people, his Lordship said, were at present too much dissuaded to the exercise of arms; and this bill was introduced to excite and renew an ardor in the breasts of the people; but every argument he had heard, aimed directly to destroy that intention.

Lord *Loughborough* replied, that his objection was not to the bill itself, but to its not containing such compulsory clauses, as would insure to us, in the hour of necessity, a substantial force, under such controul and regulation as to make it serviceable and effectual; but the present bill was so narrow and confined, that under it, the volunteers at Deal

might refuse to come to the assistance of the people of Dover, if that town was invaded; therefore that no confidence could be entertained of having at any time under this bill, a force to correspond with the expectations raised by it,

Earl of
Shelburne.

The Earl of *Shelburne* replied, and insisted, that the present bill, as it was altogether repugnant to every idea of compulsion, so it left it optional to the people of Deal to succour their neighbours, or to lay down their arms; and his Lordship conceived that such liberty would have a better effect than such a compulsion; for he knew from the variety of letters in answer to his plan, that the moment an idea was adopted to dictate to, or force the men intended to be raised, before there existed the occasion specified in the bill, not a single man could be obtained. His Lordship said, that the Swiss, in the French service, could not, without breach of treaty, be ordered to cross the Rhine against their will; but on a particular occasion, this treaty was found once to stand in the way of a very fair opportunity that Marshal Broglio had to harass his enemy; the Marshal informed the commander of the Swiss, then in his army, how serviceable it would be to his master's cause, if the Swiss would content to pass the Rhine; he confessed that he would hold himself under infinite obligations to them if they would, but left it at the same time to their own discretion, either to bind him to the treaty, or to dispense with it on that occasion: the Swiss to a man crossed the river, and waved their privilege on that occasion, preferring to it their glory and their General. Surely the learned Lord could not think that Englishmen were inferior to the Swiss, however gallant and disinterested; as for his own part, he was convinced that the volunteers of Deal would as readily, or more so, succour the people at Dover, of their own accord, as if there was a law enacted to compel them to that duty.

Duke of
Richmond.

The Duke of *Richmond* moved a clause, that delinquent members of the new corps should be tried by volunteer officers for disobedience of orders, or any other species of military misconduct. His Grace's clause was agreed to without any opposition.

The Lord
Chancellor.

The Lord Chancellor thought the bill very proper, and suitable to the occasion; and if inconveniences should arise from it, they might hereafter be removed by another act.

After a variety of observations on its clauses and amendments, made by the Earls of Radnor, Bathurst, Coventry, &c.
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the bill, with those amendments, was instantly reported, and ordered to be read a third time.

Adjourned.

No public business till the 3d of July.

July 3.

The order of the day for the second reading of the civil list bill having been read, the *Lord Chancellor* left the woolpack, and addressed their Lordships in a speech of some length, in which he called their Lordships attention to the seriousness and importance of the bill before them. His Lordship said, that in that late stage of the session, and with so thin attendance of their Lordships, many of whom necessarily were called, after the fatigue of a long and painful, though essential and honourable duty, to attend private avocations, or to enjoy necessary relaxation after the toil and labour of their parliamentary attendance, it would ill become their Lordships hastily to adopt a string of propositions in themselves very complicated, and in many respects contradictory. It was true, he said, that his Majesty had laid the foundation of a proper bill, and had called upon their Lordships and his faithful Commons to assist by their advice and wisdom in framing a plan that should lead to general retrenchment; as his Majesty was graciously pleased to declare, that he conceived such a measure would tend to ease the burthens of his people. But he was surprized to find that the right honourable Gentleman who brought up and prepared this bill, and who some years ago introduced one on somewhat similar principles, should leave out some of the principal offices and places which he then represented as the heaviest grievance, to which his speculative remedies seemed to apply. One of these offices was occupied by a noble Duke, who he was certain would not suffer any corruption to remain, or be practised in any department over which he presided, for he had too much virtue to endure, and too much sagacity and discernment, not to discover and perceive every error and corruption in the lower and subordinate departments of the Ordnance office. Whether the Ordnance and the Mint were left out in compliment to his Grace's virtues and talents, he would not pretend to decide, but he would positively affirm that it was best out with great propriety and wisdom, because it was the best and fairest ground to proceed upon, to suffer first to make the best reduction and arrangement in their power, agreeable to his Majesty's instructions; and if they did

did not go far enough, then Parliament might take up the business, and in an early session confer and debate on a business of such magnitude, which went to the abolition of some of the most ancient, venerable, and illustrious offices in the state, which were as old as the constitution itself, and many of them formed a part of it; so that to annihilate them was, in fact, an attempt to destroy the constitution. He entreated their Lordships to consider their own dignity, which they were called upon to surrender if they infringed a standing order of their House, hitherto unviolated since the year 1702, viz. that no money bill should be committed by their Lordships, which was connected with any foreign or extraneous matter. It is true, some attempts were made by the Commons to introduce bills of that description, but they were resisted with that fortitude and firmness which, he trusted, would characterize their conduct on the present occasion. — As to the present bill, with a clause annexed to it, to grant his Majesty three hundred thousand pounds, which in every sense constituted it a money-bill, he could call it nothing else than a crude, incoherent, half-formed, ill-digested, unconnected abstract of a plan, to amend, or to alter which, their Lordships were absolutely prevented by its present form, in direct opposition to their Lordships standing order. It is true, there were three principles in it, to which his Lordship as readily acceded, and as warmly commended and adopted, as any noble Lord; the first was, to preserve his Majesty's Civil List undiminished, and to make it unnecessary for a King of the British empire to apply to Parliament so often to assist him to support the dignity of the Crown; the second was to destroy corrupt influence; and the third was to prevent the extension of that corruption to both Houses of Parliament. But he could not, with all his aversion to the evils to which the bill was to apply remedies, give the bill his support, because there appeared to him so much objectionable and absurd matter almost in every page of it, that he adjured their Lordships to defer the consideration of it, more especially, as they must surrender their own dignity, and, in compliance with the menaces of another branch of the legislature, to sacrifice a standing order, if they should agree to send the bill to a Committee.

His Lordship said, he did not know what weight his arguments might have on the noble Lords, or whether, in the opinion he should give, he might remain unsupported; but he averred, on his honour, that he spoke from the conviction
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of his heart, and an earnest desire to maintain the dignity and privileges of that House. His Lordship then moved, that the further consideration of the bill be postponed to the beginning of the next session of Parliament.

The Duke of *Richmond* rose, and said, that he himself particularly stood in a very delicate predicament. He could not answer through what motives the office which he had the honour to hold, was left out of the bill, but he could assure the noble Lord, that no exertion of his would be wanting to introduce all possible reformation and economy into it. As to the bill itself, he conjured their Lordships not to throw impediments in the way of the first attempt made by ministers towards retrenchment. It was upon this principle they came into administration, and this was the very essence of that system upon which they came into office, and would continue to act. As for the portion of understanding which Providence had bestowed upon him, he confessed it was employed to comprehend the meaning of the bill, and he must declare, with the utmost candour, that, in his opinion, it did not merit the opprobrious epithets which the noble and learned Lord had so freely bestowed on it. It was prepared by a man of as much learning, ability, and probity, as this, or any other country in the world, could produce; and indeed he did not expect that the labours of such a man could be received and treated in the terms which came from the learned Lord. As to the distinction so much contended, that this was a money bill; it never struck him in that light, but a bill of regulation, economy, and reformation, recommended by the Crown, adopted by the Commons, not disapproved of by any of their Lordships, and expected, if not demanded by the people. As to reformation, it was obviously necessary, so much so that every man in the kingdom knew that prodigality and corruption had pervaded every department of government. Many instances of the most shameful depravity came within his own knowledge: many were still undetected. The Ordnance office, for instance, had established such an interest in the town of *Queensborough*, that the contracts for shipping were given to the inhabitants of it, in order to create parliamentary influence; and his Grace was convinced that a similar practice had prevailed all over the kingdom. But the views and intentions of the present ministers were diametrically opposite, for they had determined to proceed on the principles which introduced them, and to root out corruption wherever it could be found, and thus endeavour to restore the empire

empire to its pristine vigour and glory. This bill was the first experiment, and he trusted that noble Lords would not obstruct its progress, because it did not extend so far as some people might wish. A future opportunity might be adopted to make it more perfect and more extensive.

Lord
Chancellor.

The *Lord Chancellor* left the woolpack again, to explain what he had before said, and which the noble Duke seemed to have misunderstood. His Lordship declared, he had meant no compliment to the noble Duke, that should appear, as if he had spoken *ad invidiam*, when he mentioned the Board of Ordnance. He merely instanced the omission of the mention of that Board in the present bill, as an argument, why other offices might have been likewise omitted, till those, who presided over them, had been allowed time to prepare a permanent plan of regulation and reform, fit to lay before Parliament. With regard to the right honourable gentleman, from whom the bill was supposed to originate, he meant no disrespect whatever to him, in terming the bill the indigested fragment of a plan, but to describe it as it really was, and as the bill itself professed it to be. On that account, and on account of the standing order of 1702, which clearly militated against passing such a bill, he had endeavoured to persuade the House, that they ought not to pass it.

Earl of
Coventry.

The Earl of *Coventry* rose and said, that the bill, from its own merits, should have his hearty concurrence; but its coming from the office of the noble Lord, who was such a strenuous friend to the people, and to every thing that was great, good, and generous, it was the more particularly acceptable to him; and he could not but lament, in common with the nation, that the noble Lord did not live to see completed, what was earnestly the object of his ambition, and the utmost stretch of his desire.

Lord
Stormont

Lord *Stormont* said, he thought the best way of shewing respect to the measure of a virtuous minister, now no more, was not blindly to adopt it, but to exercise their own discretion as legislators, and to examine whether it was proper to be acceded to or not. His Lordship declared he had perused the bill with a great deal of attention, and that there were numberless grounds of objection in the different clauses of it, which he would not then go into, because that was not the proper time for it; it was sufficient for him that the bill was directly repugnant to the standing order of 1702, and therefore he was convinced, being a money bill, the House could not pass it. His Lordship mentioned the omission of the suppression

suppression of the Board of Ordnance in the present bill, and said, the noble Duke himself had admitted, that the regulations of that Board, proposed in the former bill, were inapplicable; it was therefore fair to argue, that when a proper knowledge was obtained of the other offices which the bill did propose to suppress, the regulations provided for those offices would likewise be found to be inapplicable. He marked the distinction between *real* knowledge, and the mere conjectures of a speculative reformer, advising the House by no means to countenance the latter till they had taken time to enquire, in order to be able to judge upon the ground of the former. The noble Duke, he observed, had recommended to the House, not to quarrel with the bill on account of a few imperfections, but to let it go into a Committee. He said, such reasoning might apply to bills that could be altered and amended in a Committee, but could not apply to a money bill, like the present; he therefore concluded with expressing a hope, that their Lordships would put off the second reading to a distant day.

The Earl of *Shelburne* strenuously supported the bill, and declared the distinct and clear manner in which the noble and learned Lord on the woolsack had approved of the grounds and principles of it, had afforded him the highest satisfaction. No one of their Lordships had yet ventured to call those principles in question, or to find the least fault with them; he hoped, therefore, notwithstanding what had been said against the bill by the noble Lord in the green ribband, the bill would be committed, and would pass into a law. He said, he had no difficulty whatever on his part, in declaring, that so far from being a money bill, or a bill of supply, he thought it merely a bill of regulations, which their Lordships had a full and unquestionable right to alter and amend as they thought proper. He said farther, that he ever had, and ever would assert, that their Lordships had a right, a clear, indisputable right to alter any bill of supply whatever, and notwithstanding the late very exceptionable degree of extent to which the other House of Parliament pushed their claim of sole power and authority over money bills, he should adhere to the free exercise of his judgment respecting them, and make such alterations in them, as from time to time should suggest themselves to his mind, as wise, salutary, and expedient. He declared he joined with the House, and the whole public must join in lamenting and deploring the heavy loss the country had experienced in the death of the late Marquis

Earl of
Shelburne

of Rockingham. That noble Marquis, however, had by his own example, obliged whoever should be the minister, to do his duty to the public, and had left this bill behind him as a pledge of his wisdom, his integrity, and his zeal to further the strictest regulation and the strictest œconomy possible in every branch of the public expenditure, and every department of government. The noble Duke had said the bill was the terms on which the present administration came into office. God forbid that the bill should be the only terms, or that all their services should be confined within such narrow limits ! He should not think himself by any means acquitted to his country upon merely carrying through the present bill ; he hoped to introduce a general system of œconomy, not only in the offices mentioned in the bill, but into every office whatever. He hoped also in proper time, when the opinion of the people had been taken upon it, to see a wise, prudent, and effectual reform of Parliament take place. It was his wish and his expectation to see each branch of the legislature restored to its proper independence, and its proper authority, so that it might stand upon its own legs, and proceed on its own judgment. But, till that general and grand reform could be brought about, ministers were bound to proceed with lesser systems, and smaller plans of regulation and œconomy, like the present bill, and he trusted that the House would not, on the paltry ground of mere want of form, so far forget what was due to the public, as not to pass it. He had already, without any compact, brought in a bill, for the purpose of abolishing the scandalous practice of holding offices in America, with survivorships, three or four deep in some instances, to the great disgrace of this country ; it was, he said, incumbent on him to do justice where justice was due ; he was therefore happy to have it in his power to declare, that he had found no difficulty whatever in getting the consent of the Crown to that measure, and he was persuaded, no difficulty would be found, in the pursuit of any purpose, really founded on public utility and national advantage. With regard to what had been said, about destroying the patronage of certain offices, he declared it reminded him of the cook at Chantilly, who cut his throat, or shot himself, because the fish was not come down for Louis the Fourteenth's dinner, imagining his own office to be of more importance than any other in the kingdom. His Lordship answered the argument of the Lord Chancellor, respecting the bill's not substituting means of carrying on the business of the offices and boards

boards it suppressed, by saying that it was not the business of Parliament to provide new places, that was the office of the Crown. Having stated this very fully, his Lordship added several other remarks, and concluded with imploring the House to assist in carrying into execution such measures as the state of affairs rendered necessary.

Lord *Loughborough* declared, he heartily and entirely approved of the principles which the bill avowed, viz. the clearing off the debt incurred by his Majesty civil list, and the preventing it from incurring debt in future; he was not however ready to abandon his own rights as an individual member of that House of Parliament, and to forego the exercise of those rights which the bill called upon the House collectively to forego. Those who had prepared the bill, had, his Lordship declared, tacked to it a clause that made it a money bill, for the purpose of putting it out of the power of their Lordships to interfere with it, or to meddle with it in any shape or degree whatever. Thus they were deprived of their rights as one branch of the legislature, and peremptorily called upon to register an edict, whether they approved of the form of it or not. His Lordship argued most ably on this position, and reminded the House, that the standing order of 1702 was not a hasty resolution, proposed or come into on the spur of the moment, but a solemn vote, deliberately passed, and founded on wisdom and necessity. Previous to that vote, there had obtained a practice for the Commons to tack a money clause to every bill of regulation they sent up, merely to prevent the House of Lords from altering the bill, because, whether it was of right or not, the Commons had, as they now did, constantly acted upon the idea that they alone had any power over money bills. Feeling the inconvenience of such a practice, the House had made the standing order of 1702, which he considered as their Lordships magna charta, and in the face of which, it was neither decent nor proper to pass the present bill. He shewed the House, that by the contrivance of the persons who had prepared the bill, their Lordships were reduced to this difficulty: they must either blindly swallow the whole of the bill, as it was, or they must incur the danger of a difference with the other House of Parliament.

It was needless, his Lordships remarked, for him to go at large into an investigation of the clauses, but he would mention a few objections that he had to them, in order to convince the House, that there was sufficient ground of objection

in the clauses, and that some of them directly contradicted the avowed principles of the bill, not the least popular of which was, that it was a bill tending to lessen the influence of the Crown. In the second page, a power was given to the Lords Commissioners of his Majesty's Treasury to suppress, at their own discretion, certain offices not named, so that the House was called upon to pass a bill, to grant to the Lords of the Treasury a power to suppress, what the House was not itself acquainted with. This, so far from being a diminution of patronage and influence, was surely a new, unprecedented and enormous increase of both. Other powers were also given to the Lords of the Treasury, equally tending to throw an addition of influence into their hands, and to take it from a variety of individuals, with whom it was separately, safely, and constitutionally lodged. The next matter his Lordship called the attention of the House to, was a clause in the sixth page, which he emphatically said, "whoever can give me the meaning of, *erit mihi magnus aspollo*." He had, he declared, read the clause again and again, and he could neither make grammar nor sense of it. At the same time that he said this, he was aware that it must be owing to some accident, because he had long known the right honourable gentleman, the author of the bill, who was as good a judge of language, and as correct a writer and speaker as ever existed. It was, he knew, the custom in a Committee of the House of Commons for so many different amendments to be proposed for insertion in one clause, that it frequently happened, that what was originally clear and distinct, became at last involved in inexplicable absurdity. His Lordship adverted to the clause in question, and shewed that by the clause beginning with an *if*, and by some misarrangement of a sentence, the whole had no clear meaning; all that he could make out of it was, a most unconscionable power vested in the Lords of the Treasury, viz. the powers of delaying the payment of workmens bills as long as they pleased. He put a case very likely to happen if the bill passed in its present form; and asked, what sort of justice there would be, if upon an action to be tried in the Court, in which he had the honour to preside, his Majesty's Attorney General was to plead, that the Lords of the Treasury chose to delay the payment of the money, for the recovery of the amount of which the action was brought, and that they were empowered by the bill then under consideration to make such delay? Having reasoned upon this for some time, his Lordship asked, to what purpose,

pose, circumstanced as the bill was, would the House wish to commit? They could not alter it in the Committee, they could not even correct the grammatical error to which he had alluded; they could only experience the mortification of dwelling upon clauses, that called loudly for alteration, and were replete with obvious defects, which they could not cure, without running the risque of either losing the bill, or getting into a difference with the other House. For these, therefore, and other reasons, he advised their Lordships to proceed no farther with the bill that session, but to wait till the next, (which would only be a delay of three or four months) and by taking time to get a more full knowledge of the facts, on which the regulations, that might hereafter be thought necessary, were to proceed, let what was to become law be sanctioned by public conviction, that it was wise, expedient, and politic.

The Duke of *Manchester* rose to say a few words in reply. His Grace answered Lord Loughborough's objections to the different clauses one after another. He asked in the first place, where the noble and learned Lord had discovered that the destruction of office was the increase of influence and patronage? The power vested in the Lords of the Treasury, in the second page, was merely that of supplying, not of creating offices. With regard to the clause in the sixth page, his Grace said, if the noble and learned Lord took the next clause with that he objected to, he would see they were connected, and that the sense was clear.

The Earl of *Erlingham* said a few words in explanation of the clause in the sixth page of the bill.

The Earl of *Abingdon* declared he should vote for the bill; but confessed he had not read it, having his attention lately engaged by still greater objects. He wished well, however, to the bill, as it tended to public reform. He declared he should be happy to see the idea carried farther, but advised that House not to meddle with the other House of Parliament, nor in any respect whatever to intrude on the rights of the people.

The Lord Chancellor put the question, "That the order be discharged."

The question being put thereupon, the House divided: contents, 9; not contents, 44.

The bill was then read a second time, and committed.

- Lord *Stormont* rose, and said, that according to the ideas of some noble Lords who supported the measure, he would consider

consider the bill for retrenching the public expence, and abolishing certain offices, as a bill of regulation only, and therefore he would conceive himself, in this view of it, at full liberty to canvas, object, or amend any one part or clause of it; and he begged to know from noble Lords, whether they would object to any and every amendment he should propose, and determine to pass the bill in gross with all its imperfections.

Earl of
Shelburne.

The Earl of *Shelburne* replied, that he was much astonished to hear any objection come from that quarter, on a subject so fully, and fairly, and ably discussed, where a great majority of their Lordships had determined to carry the bill into a law, notwithstanding that it might be accompanied with a few errors. It was a bill of such importance to this country, that if it were not obtained now, it probably never would. For his part, he stood on public ground and public favour; but whatever confidence might be reposed in him, if he were placed in the exalted situation of that great and venerable man, which the hand of Heaven had snatched to happier regions, yet he would not have the people trust to him, or to any other set of men, farther than they had acted: — there was a crisis in the affairs of nations, like individuals, which should be embraced with eagerness and rapture, for its continuance was precarious, and its return uncertain. This was the great crisis which every man in the nation saw favourable to liberty, the re-establishment of the constitution, as well as the recovery of an empire nearly ruined by corrupt rulers. Whatever might be said, he would support the bill, for if it was not now obtained he feared it never would; and notwithstanding all that had been said to the contrary, he thought candidly, that the objections he had heard went to the principle.

Lord
Stormont.

Lord *Stormont* said, to convince noble Lords that he was friendly to the principle, if gentlemen would divide the bill, by bringing a short one into the Commons, he would support it if no new exceptionable matter were introduced into it.

Lord
Chancellor.

The *Lord Chancellor* said, that at this stage of the session the object could not be attained in the manner proposed by the noble Lord; and it would be adopting the most certain means of losing the bill perhaps for ever.

Lord
Camden.

Lord *Camden* said, that he did not expect either debate or opposition to the bill after all that had been urged yesterday; and only rose now to say, that the bill had his most hearty approbation and concurrence. It was, in his judgment, to
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all intents and purposes a money-bill, therefore he should not consent to make amendments, because the Commons, in that case, would certainly reject it, and a bill in consequence would be lost on which the whole have fixed their attention : therefore, though the bill had some inaccuracies, on account of the abundant good with which it was fraught, it should have his support.

The Duke of *Richmond* said, that it was partly a bill of regulation, as well as a money bill, but granting it the latter, he said, whatever the Commons or other noble persons thought, he was sure that the Lords had a right to alter a money bill. What, shall the Commons tax all our fortunes, and say, that we have no right to alter an iota in this taxation ? The doctrine, his Lordship said, was unparliamentary ; for when the militia was established, the Commons voted sixty thousand pounds, but the Lords reduced it to half that sum, and this was a money bill. After some conversation the opposition was withdrawn.

July 5.

The Earl of *Abingdon*, in conformity with the notice he had given of his intention in his speech on the 17th of June, rose upon this day, and said, My Lords, having some days ago signified my intention of troubling your Lordships with a motion respecting the present relative situation of Ireland and this country, I now rise to say a few words more upon that subject. Persuaded as I was, my Lords, that nothing would be left undone in the adjustment of the claims of Ireland upon this country by his Majesty's present Ministers that ought to be done ; and finding that when those claims were made under the joint concurrence of both Houses of Parliament in Ireland, that they were not only listened to by his Majesty's present Ministers, but were handsomely, liberally, and manfully acceded to by them in every particular ; (I say manfully, my Lords, because, in some cases, it is as much a test of manhood to give way, as it is to demand ; and I say in every particular, because nothing was asked that was not granted ;) I did conceive, that as in music the apt resolution of discords furnishes the most complete and perfect harmony, so the same effect, for the same reason, would as readily and as naturally have been produced here ; and conceiving this, that is, supposing instead of discord, that concord was to prevail ; and instead of dissention, unanimity was to succeed, although the affairs of Ireland, from the weight and importance of

of them, had rested long and much upon my mind, they no longer became the subject of my reflections: but, my Lords, perceiving that I was mistaken in my conception, and that although Ireland had obtained all she had requested, the measure was not complete, nor was the cup yet full; I then took the liberty of suggesting to your Lordships my intention of making the motion which I have just alluded to.

But, my Lords, finding, from the lateness of the session, that nothing can be done in consequence of this motion, (and that something must be done, I will venture so far to opinate this matter, as to presume) the present purpose of my rising, is principally to inform your Lordships, that I shall postpone the making of this motion to our next meeting in Parliament; when I shall most assuredly, and as early as possible, bring it forward, together with the arguments that I shall then have the honour to submit to your Lordships in the support of it.

But, my Lords, having said this, I still think that the House should not separate, without my putting your Lordships in possession of the nature, drift, and tendency of this motion. It is a respect that is due to your Lordships, it is what the House, perhaps, has a right to look for, and indeed the importance of the moment seems to call for it. Whether it may meet your Lordships ideas, or whether any thing that comes from me can merit the attention of the House, is not for me to determine. All that I can say is, that it proceeds from a most sincere and honest zeal to render myself of as much use to my country as I can, at a time when the assistance of all is required, and the services of none are to be rejected. Under these circumstances, then, I am to inform your Lordships that the motion which I shall have the honour to make at a future day, being a motion for leave to bring in a bill, this bill is already prepared, and being prepared, as it not only takes in the substance of this motion, but comprehends the whole of my object, so to give your Lordships the contents of this bill, is to furnish the House with the information, which for the present I wish to convey; and therefore, my Lords, I shall beg leave that the clerk be now permitted to read this bill.

The clerk accordingly read as follows: "An act declaratory of the sole and exclusive right of the Parliament of Great Britain to make and enact laws and statutes, with power to regulate and controul the external commerce, or foreign trade of Great Britain, and of all such kingdoms and countries,

countries, parts, and places, as now are, or may hereafter be, under the sovereignty of, that are annexed to, connected with, or in any wise dependent upon, or whose inhabitants are the subjects of, the imperial Crown of this realm.

“ Whereas the right to the sovereignty and dominion of the British seas is the real, fundamental, and undoubted prerogative of the Crown of this realm, the Kings of England having been (quatenus Kings of England) not only universally acknowledged to be the lawful sovereigns of the English seas, but as such have had the uninterrupted sanction of no less than between seventeen and eighteen centuries to countenance and uphold them both in the claim and practice of this right.

“ And whereas it being to our maritime force that we are indebted as well for the preservation of this right to the sovereignty and dominion of the seas, as for the protection of our external commerce or foreign trade, for the possession of our valuable colonies and plantations abroad, for our riches, for the improvements of our lands, for the consumption of our manufactures, and for our greatness and power as a nation at home, nay, for the very safety and security of the kingdom itself against the invasions of our enemies; so this maritime force depending for its very being and existence upon the external commerce or foreign trade of Great Britain and its empire, whilst the power to regulate and controul this external commerce or foreign trade by the Parliament of Great Britain is as necessary for the prosperity of this trade or commerce, as this trade or commerce is essential to the very being and existence of our maritime force, it is a power vested in the Parliament of Great Britain, for the maintenance and support of the prerogative of the Crown in the sovereignty and dominion of the seas.

“ And whereas this right to the sovereignty and dominion of the seas, whence the power of regulating and controuling the external commerce or foreign trade of Great Britain and its empire by the British Parliament is derived, is thus, ‘ not only the most precious jewel of his Majesty’s Crown, but next under God the principal means of our safety and wealth, so all true English hearts and hands being bound to keep and preserve the same, even with the uttermost hazard of their lives, their goods, and fortunes :’

“ May it therefore please your Majesty that it may be enacted and declared, and be it enacted and declared by the King’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons

in this present Parliament assembled, and by the authority of the same, that the Parliament of Great Britain hath, ever had, and of sole and exclusive right ought always to have, power to make and enact laws and statutes to regulate and controul the external commerce or foreign trade of Great Britain, and of all such kingdoms and countries, parts and places, as now are, or hereafter may be, under the sovereignty of, that are annexed to, connected with, or in any wise dependent upon, or whose inhabitants are the subjects of, the Imperial Crown of this realm.

“ Provided nevertheless, that the said laws and statutes, so made and enacted with power to regulate and controul the external commerce or foreign trade of Great Britain and its empire, are not meant or intended, directly or indirectly, as laws and statutes for the purpose of raising a revenue, nor for any other internal use whatever in or over those kingdoms or countries, parts or places, of whose external commerce or foreign trade such regulation and controul shall be had: but as mere provisions of enlargement to, or matters of restriction upon, such trade or commerce as may tend to the common advantage and general good of the whole.

“ And whereas the kingdom of Ireland is not only under the sovereignty of the Imperial Crown of this realm, and thereby partakes of the benefit of our maritime force in protection and aid of her commerce, but the Western Sea, in which Ireland is included, is a part of the maritime empire of the Kings of England; and whereas by an act made in the 20th year of his present Majesty, entitled, ‘ An act to allow the trade between Ireland and the British Colonies and plantations in America, and the West-Indies,’ the power of regulating and controuling the external commerce or foreign trade of Ireland is taken out of the Parliament of Great Britain, (where it of right belongs, and so of right ought to remain) and, in manifest violation and open breach of the Constitution, (inasmuch as ‘ the legislative being but a delegated power from the people, those who have it, cannot pass it over to others,’) is vested in the Parliament of Ireland; it is hereby enacted by the authority aforesaid, that such act, so far as it relates to the taking of this power out of the Parliament of Great Britain, and vesting it in the Parliament of Ireland, shall be, and the same is hereby repealed and made void: But in all other respects, the said act to be and to remain in full force and effect, any thing herein contained to the contrary in any wise notwithstanding: It being in no wise
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the meaning or intention of this act to deprive the kingdom of Ireland, in this or in any other instance, of that freedom in trade which should in common belong to that country as well as to this, but merely to assert in the Parliament of Great Britain, where also the seat of the empire is, the sole and exclusive power of regulation and controul therein.

“ And whereas this prerogative in the Crown to the sovereignty and dominion of the seas has been exercised, not only with respect to the external commerce or foreign trade of Great Britain and its empire, but being acknowledged, and having been exerted even against States totally unconnected with and independent of the Imperial Crown of this realm, and this not only too in the case of a general obedience to our flag, but in the instance of our immortal Queen Elizabeth’s having actually ‘forbid the King of France to build any more ships of war than he had, without her leave first had and obtained;’ it is hereby farther enacted, and by the authority aforesaid, that it neither shall nor may be lawful to, nor for any such kingdoms or countries, parts or places of the British empire, as are above described, to erect or to build any ships or vessels of war, or to support or maintain a navy, any otherwise than under the management and direction of the Lord High-Admiral, or the Lords Commissioners of the Admiralty of Great Britain for the time being, and as subject to British acts of Parliament, and to such other and to the same laws and regulations only, as the ships and vessels of war and the navy of Great Britain are.”

The Clerk having finished reading the bill, the Earl of *Abingdon* rose a second time, and said, such, my Lords, *Abingdon* is the nature of this bill, and such the ground upon which it stands. The line between Ireland and this country must be drawn; this country demands it, as well as Ireland, and who shall say that this is not the line of right between them? The Parliament of Great Britain has nothing to do with the internal legislation of Ireland, nor of right never having had, what it has hitherto usurpedly exercised, it has now honourably surrendered. But, my Lords, the seat of the empire is here; the sea is ours; and as to regulate and controul the commerce of that sea for the sake of our navy, is the sole and exclusive right of the British Parliament; so to give up that right, is to give up the seat of the empire; it is to abolish and annihilate your Parliaments; it is to sever and totally to separate Great Britain from the rest of the British empire, leaving it a country to stand singly, and by itself alone, for

it is the only tie, it is the only bond of union that now remains to the British empire ; it is to place England as to Ireland, not in the relative situation that Ireland was to England, (though this is a condition not to be submitted to on the part of this country) but it is to raise a competition betwixt the two kingdom, which must infallibly end in the ruin of both. It is that which America never demanded of Great Britain, and which, if she had demanded, friend as I am to America, and a better friend she has not, I had been among the foremost of her enemies ; but not satisfied with this, which America readily yielded to you, you wanted more, and in fighting for that more, you have lost the whole ; it is that therefore which the Parliament of Great Britain can never accede to Ireland, nor part with but in the act of its own dissolution and destruction. But I am reasoning upon this subject, which I did not intend, and therefore, my Lords, I have at present only to move, “ that this bill may lay on the table for the inspection of your Lordships.”

Lord
Camden.

Lord *Camden* said, that the bill could not be laid upon the table, until leave should have been first obtained (by motion) to bring it into the House.

The bill was not laid upon the table.

July 8.

The order of the day, was called for the third reading of the Borough Court bill.

The Lord Chancellor moved ‘ that the third reading of this bill be postponed to this day two months.’

The House divided upon the motion, when there appeared, Contents, 9 ; not-contents, 6.

And adjourned.

July 9.

No debate.

July 10.

The amendments made in the Committee on the E O bill were reported ; when the clerk had read them,

Duke of
Chandos.

The Duke of *Chandos* expressed his concern that the bill had not been brought in earlier in the session ; when their Lordships would have had more time to attend to an object of such moment to the public, as the prevention of the pernicious practice of gaming. However, late as the session was,
he

he hoped their Lordships would agree with him that something ought to be done to put an end to a practice that was not only pernicious in itself, but also, from the consequences which must naturally flow from it; for he understood that gaming was carried on in houses where drinking and every species of immorality prevailed. He feared, that from the very little time that remained to the end of the session, there would be no opportunity of amending the bill, or bringing the House of Commons to agree to the amendments made in their Lordships Committee; and therefore he was apprehensive that a bill which he deemed highly necessary might be lost, if their Lordships should approve of these amendments. It was his wish therefore that they might be rejected by the House, lest they should prove fatal to the bill; and as Parliament was to meet again in a few months, their Lordships would soon have an opportunity to correct such parts of the bill as experience should prove to be reprehensible.

The Earl of *Essex*, on the other hand, was of opinion, Earl of
Essex that the amendments were extremely proper, and consequently that they ought to be agreed to by the House. His Lordship had consulted some able lawyers on the subject, and he found that there was no necessity for many parts of the bill, as there were already in being three different statutes passed in the reign of Henry VIII. which would fully answer most of the purposes of the present bill; the game of E O indeed did not, he understood, come within the meaning of these statutes, and was not illegal; as therefore it was his wish to put it down, he had consented to an amendment by which such a game should, in future, be pronounced to be unlawful; but which, at the same time, provided against many enormous abuses of power to which the bill, in its original state, would have opened a door.

The Lord Chancellor put the question, whether the amendments should be agreed to or not; and it was carried in the affirmative without any farther debate, and without a division. — A motion was then made to adjourn. Lord
Chancellor.

The Duke of *Richmond* immediately rose, and said, that as he considered that this was the last day of their meeting, previous to the prorogation, he could not consent to the question for adjourning, until he should have said a few words to their Lordships on the late revolution which had taken place in his Majesty's Council. The first thing that naturally suggested itself to his mind, was that melancholy event by which this country had been deprived of one of its brightest ornaments; Duke of
Richmond. and

and had received a blow, which, he was afraid, it would never be able to recover : the noble Marquis, of whose lamented death he was speaking, was the bond of union which kept all parties connected ; he it was who cemented all descriptions of men, and preserved unanimity in Council ; sorry he was to say, that with him that unanimity was dissolved, and with him that happy union, from which this country might have derived hopes of seeing more prosperous days. The extinction of unanimity had manifested itself by the separation from the Cabinet of two of the greatest persons who sat in it : of one of them it would but ill become him to speak in that strain of panegyric, which was so justly due to his abilities ; his near relation to him pointed out the propriety of silence on that subject ; but from that silence he wished their Lordships would collect his sentiments of the person alluded to. The other Minister who had withdrawn himself from the Cabinet, was a noble Lord, whose integrity and character would adorn any station or assembly in life ; and it was to him great cause of the deepest concern, that two such men should have thought it incompatible with their principles, to assist with their advice the other servants of his Majesty. It was now proper for him to state his reasons for not having followed the example of these two very respectable persons. There had been laid down certain principles, which he conceived to have been the basis of the Administration, that was formed upon the ruins of that which had been overturned, in a great measure, by the great powers of one of the two characters he had alluded to. He had not hitherto observed, and he had been watchful on that head, the least deviation from any one of these fundamental principles ; as long therefore as he should find, that by these principles the noble Lord near him, now at the head of the Treasury, should conduct the measures of his administration, so long he should conceive it to be his duty to give him every support in his power ; but the moment he should discover in him an intention to abandon those principles, from that moment he would stand foremost in the most determined opposition to his government.

The first of these great principles was the *independence of America*. The new administration had come in upon this express ground, that peace with America was to be obtained at any rate ; that is to say in plain English, that the independence of America should not stand in the way of so desirable an object as peace with that country ; it was not intended that this country should submit to any humiliating terms ;

but

but peace was to be obtained at any rate. From this principle he had not as yet perceived the least deviation; and consequently he saw no reason why he should withdraw himself from councils, which, he conceived, were governed by the letter and spirit of the original stipulation of the Cabinet with the King. And here his Grace felt it incumbent on him to declare, that his Majesty had performed, with a religious scrupulosity, all that he had promised; and had not once manifested the least symptom of a desire to deviate from his stipulations. His Grace was thoroughly satisfied that no change was intended by his Majesty to be made in the Cabinet formed at the downfall of the late ministry; and he verily believed that no change would have been made, if the fatal event to which he had already alluded, had not made it necessary.

That a plan of reform should be adopted in all the departments under the Crown, was another stipulation on the part of the Ministry; some steps had already been taken to carry this system into effect; but though he thought as respectfully of the different bills that had been brought into Parliament for that purpose, as any noble Lord in that House, he must at the same time say, that they fell so far short of what remained still to be done, that with the noble Lord near him (Lord Shelburne) he must look upon them rather as a beginning, than the completion of that great work of reformation, for which the Ministry stood committed; and therefore he should expect that the noble Lord would carry on the spirit of reform with vigour; and that he would make it, as he stood bound that it should, pervade every department of the state.

The influence of the Crown in Parliament was to be diminished; this was another great principle upon which the Administration was formed, and the nation saw how necessary such a measure was at this particular period; constituted as the House of Commons was at present, and had been for some ages past, it would really be a mockery, and a libel upon truth and common sense, to call it a fair representation of the people: he himself had two years ago brought a bill into that House for rendering more equal the representation of the people. Whether such a regulation might be adopted or not, he could not say: but he was convinced that the nation at large called for, and looked for some regulation that should rescue the House of Commons from the obliquity under which it laboured in its present constitution.

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These were the great outlines of the plans, which ministry stood committed to themselves, and to the public, to carry into execution. Peace with America was certainly the most pressing object at present; and he firmly believed it to be the object nearest the hearts of all his Majesty's ministers; various might be the means of attaining this great point; but though there might be a difference of opinion as to the means, he was satisfied that they were all united as to the end. The session was now drawn to its conclusion, and nothing of course could be now done by Parliament relative to America; but this much he must declare, that it was his firm opinion, that this country could not be safe, if before the end of the next session an act should not pass, to declare America independent.

These, his Grace said, were his general principles; and as long as he should find that the noble Lord near him adhered to them, he might be sure of his support: he really had no distrust of the noble Lord's intentions; but as a Whig, of which description of men his Grace professed himself to be, he held it to be his duty, and that of the Parliament, to keep a watchful eye upon ministers, and not to suffer a single act of theirs to pass over unexamined.

Earl of
Shelburne.

The Earl of *Shelburne* rose next; he returned his thanks to the noble Duke for the good opinion which he was pleased to entertain of him, and which he trusted he would never give him cause to alter or retract: it was from his measures, not from his promises, that he expected to derive support; and if they should not be found to deserve it, he would not repine at not finding it. He lamented as much as any man the loss of the noble Marquis; he lamented also the loss the Cabinet must sustain by the retreat of two most respectable personages indeed; the one by the uncommon splendour of abilities; the other by his unimpeached integrity and chastity of character: but still he would not think so ill of the other eight ministers who remained in the council, as to suppose that they were not as attached to principle, and as zealous in the support of it, as those two gentlemen, and consequently that the public might rest satisfied, that while they continued in office there could be no departure from those great principles which had formed the basis of their administration. And here his Lordship thought it necessary to observe, that he was bound to these principles, only because he thought them just and expedient; for he did not go into the Cabinet as the avowed supporter

supporter of any man, or body of men; he had taken a share in the administration of the country, merely as a member of the community, who had been chosen for that purpose by his Sovereign; he stood not committed to any man; and, though it had been insinuated that he had fomented divisions for the purpose of creating an opportunity to gratify his own ambition, he would thus publicly declare, that he had sacrificed the very situation he now held to his desire of preserving harmony and unanimity in the Council; and though the office of First Lord of the Treasury was most certainly within his grasp, when the first arrangements were forming, he sacrificed that object, which appeared to be so desirable to others, and joined the rest of his Majesty's new Ministers in soliciting and pressing the noble Marquis, now no more, to accept of that employment. It was true, indeed, that his principles differed in some respects from those of some of his then colleagues; but when they pleaded consistency, it was but fair that he should stand upon his consistency as firmly as they did upon theirs; and it would have been very singular indeed, if he should have given up to them all those constitutional ideas, which for seventeen years he had imbibed from his master in politics, the late Earl of Chatham: that noble Earl had always declared, that this country ought not to be governed by any party or faction; that if it was to be so governed, the constitution must necessarily expire; with these principles he had always acted; they were not newly taken up for ambitious purposes; their Lordships might recollect a particular expression that he had used some time ago, when, speaking of party, he declared that he never would consent that the "King of England should be a King of the Mahrattas," among whom it was a custom for a certain number of great Lords to elect a Peshaw, who was the creature of an aristocracy, and was vested with the plenitude of power, while the King was, in fact, nothing more than a royal pageant, or puppet.

These being his principles, it was natural for him to stand up for the prerogative of the Crown, and insist upon the King's right to appoint his own servants. If the power which others wished to assume, of vesting in the Cabinet the right of appointing to all places, and filling up all vacancies should once be established, the King must then resemble the King of the Mahrattas, who had nothing of sovereignty but the name: in that case the monarchical part of the constitution would be absorbed by the aristocracy, and the famed constitution of England would be no more. It was his adherence to these

principles that had drawn upon him some recent attacks, and fastened upon him the imputation of designs which he had never harboured : that it was nothing but this adherence to consistency that had caused the late separation in the Cabinet, he would appeal to the members of that Cabinet ; for though much had since been insinuated relative to the business of America, yet those Ministers could all vouch, that in the Cabinet no reason of that nature or complexion had been assigned for the late resignations, nor had been even hinted in that quarter, where, upon a resignation, there resided a right to demand the reasons for quitting the service of the Crown.

It had been insinuated, that he had changed his opinion relative to the independence of America. But this was not the fact ; his opinion on that subject was still the same that it had ever been ; he had declared it often, and he would repeat it now in the most public and explicit manner : It had ever been his opinion, that the independence of America would be a dreadful blow to the greatness of this country ; and that when it should be established, the sun of England might be said to have set : he had therefore always laboured to prevent so fatal a misfortune from befalling his country ; he had used every effort in public and in private, in England and out of it, to guard it from so dreadful a disaster : but now the fatal necessity of seeing it fall upon us appeared in full view ; and to necessity he might be obliged to give way, but to nothing short of necessity would he give way on that head ; and when he should have done it, he would confess that the greatest misfortune had arrived that had ever fallen upon Great Britain. But while he felt the necessity of giving way to unavoidable misfortunes, he was free to say, that it was his firm opinion the melancholy event had been hastened, by the rash and precipitate advice that had been so frequently given by some people, some years ago, to acknowledge an independence, which then might have been destroyed in the bud. It had been insinuated elsewhere, that had his principles been known relative to American independence, the people of America would be backward to treat with him for peace ; but he had learned sufficient by the information he received during the last two months that he was Secretary of State, and since, that there was no man with whom the Americans would more willingly treat than with himself. As to the steps that had been already taken towards a peace with America, his Lordship entreated their Lordships would give him credit when he assured them that the principle laid down relative to peace with America at any rate, and which had
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been so correctly stated by the noble Duke, had not in the smallest degree been departed from : the dispatches upon that subject must remain secret for the present ; but the day would come when the publication of them could not be attended with any injury to the public : to that day he looked with an earnest anxiety ; he trusted it was not far distant ; he hoped he should be able to lay them upon the table of both Houses of Parliament early in the ensuing session ; when he was convinced, their Lordships and the public would be satisfied that the insinuations thrown out, relative to a change of system in America, were totally without foundation.

The language of despondency, which had been so often held, had never, in his opinion, been productive of any good ; he would have the world know, that though this country should have received a fatal blow by the independence of America, still there was a determination to improve every opportunity, and to make the most vigorous exertions to prevent the Court of France from being in a situation to dictate the terms of peace ; the sun of England would set with the loss of America ; but it was his resolution to improve the twilight, and to prepare for the rising of England's sun again, and he hoped she would see many, many more happy days.

The noble Duke had done justice to the character of the common master whom they both served. His Majesty had not only performed all that he had promised, but he had done a great deal more than he had promised, when it was in his power to have evaded the performance of that which he had promised ; and this he could say with truth, that a Prince more disposed to comply with the wishes of his people, he believed, never sat upon the British throne. As to his future measures, he would trust to the propriety of them for support, and should look for it only inasmuch as they should be found to deserve it ; he never had, and never would, look to men ; it was to measures only he had always attended ; and he wished that their Lordships would deal by him just in the same manner.

He found, by the great eagerness that some men had expressed to be at the head of the Treasury, that with them the Treasury appeared to be an engine, without which Administration could not be supported. Upon all subjects of reform, he had heard men say, " the patronage of the Treasury must be preserved, or the House of Commons can never be managed." Now, for his part, he had never thought the Treasury necessary to the management of the House of Commons, and he was determined to try which of the two opinions was

well founded. He had been often told by a learned Lord, who had once adorned the woolstack, that for the respect and reputation he had acquired while he was Chancellor, he was indebted to the impartial distribution of the church patronage, which the Constitution had vested in the Great Seal. His Lordship was resolved to distribute the patronage of the Treasury just as the learned Lord had distributed that of the Church; the men of worth, and of pretensions from merit and birth, should indiscriminately receive their share; and he hoped that the consequence would prove to the world, that a corrupt distribution of Treasury patronage in the House of Commons, was not at all necessary to the support of Government.

There remained for him to say a word or two relative to the pension, which had been the subject of a debate elsewhere: he certainly, as one of his Majesty's Ministers, had advised the King to grant it; but he could assure their Lordships that the idea of the pension had not originated with him: the proposition came from the noble Marquis, now no more; and he was happy to have in his possession that noble Lord's letter on the subject, in which he proposed the pension as a compensation to the gentleman upon whom the pension was to be settled, for having given up his pretensions to the Pay-office: and he thought their Lordships ought not to deem the provision either inequitable or too great, for a gentleman who had for twenty years been stripped of those emoluments which he must have derived from his profession: that gentleman himself objected to a pension; he wished rather for some provision in the line of his profession; but had at last given way to the desires of the noble Marquis, and consented to accept of a pension, not equal to more than half the income which he must have derived from that rank in the army to which he should by this time have been raised.

Duke of
Richmond.

The Duke of *Richmond* rose to explain: when he called himself a Whig, he conceived himself to be one of that body of men, who, acting upon revolution principles, and professing themselves friends to the liberties of the people, must always be backed by the countenance and support of the people: if this was a party, his Grace confessed that he would always rejoice to see the country governed by such a party. As to the independence of America, he thought it, as well as the noble Lord near him, a very great misfortune to the kingdom; but he thought it would be a still greater misfortune to attempt to keep America dependent against her own will; and he thought the most absurd and extravagant way that

that could possibly enter the head of a madman, was to endeavour to bring America to a dependence upon this country, by putting the people of it out of the protection of the laws; for where there was no protection, there could be no allegiance.

The Earl of *Shelburne* got up again; he said, if a Whig was a man who acted upon revolution principles, and was a friend to the constitution, and to the liberties of the people, he would be proud to call himself a Whig; men of that description must necessarily be supported by the people; and such men ought of course to govern the country, because in the hands of such men the constitution would ever be held sacred. As to the American war, he had ever been as great an enemy to it as the noble Duke; he had always contended, that it was unjust in its principle, because it militated against that great maxim of our constitution, which declares, that English subjects, in whatsoever quarter of the globe, had a right to the benefit of the British constitution, the most boasted and peculiar franchise of which was to be governed by those laws only, which they themselves had enacted either in person, or by their representatives. That war was now at an end; no Minister could, if he were mad enough to desire it, prosecute it any longer; the resolutions of Parliament, and the general sense of the nation, were against it; and here his Lordship thought it proper to declare, in order to quiet the alarms that had been industriously raised in the minds of men, that nothing was farther from his intention than to renew the war in America; the sword was sheathed, never to be drawn there again. Adjourned.

The Earl of
Shelburne.

July 11.

The Earl of *Derby* rose, and requested that their Lordships would favour him with their attention for a minute: he said, he understood from the public prints, and also from private conversation with some friends, that a noble Earl in that House had directly and positively affirmed, "that he knew no reason on God's earth for the recession of a late right honourable Secretary from his Majesty's Council, than this single one, that his Majesty had been pleased to appoint him to the situation of First Lord of the Treasury;" he begged leave to inform their Lordships, having authority so to do from the right honourable gentleman concerned, that this assertion, provided any such had been made by the noble Earl, was not founded in fact; but on the contrary, was nothing more nor less than a direct deviation from the truth. He

The Earl
Derby.

called upon the noble Earl to stand forward and avow the assertion; and appealed to the other members of his Majesty's cabinet then present, to lay their hands upon their hearts, and say whether or not they did not know of another cause for the secession of the right honourable Secretary; and whether or not that cause did not consist in a confirmed difference of sentiments between the right honourable Secretary and a noble Earl, now first Lord of the Treasury, respecting fundamental points of the utmost political magnitude.

The Earl of Shelburne. The Earl of *Shelburne* disavowed the fact of ever having directly affirmed that no other cause existed for the secession of the right honourable Secretary, but his own appointment to the first seat at the Treasury Board. He made no such assertion; but he had certainly said, that "in his opinion" that was the cause, and the exclusive cause; but he had not asserted it as a fact.

Duke of Richmond. The Duke of *Richmond* then got up, and said, he certainly considered it, after what had fallen from the noble Earl, who spoke first, as an act of justice due to the right honourable gentleman alluded to, to declare that he undoubtedly differed in opinion from some other members of his Majesty's Council, on subjects of the utmost importance; and that the right honourable gentleman had openly avowed his intention to resign, on account of that difference, previous to the death of the Marquis of Rockingham.

Lord Viscount Keppel. Lord Viscount *Keppel* rose next, and said, that he also felt himself under the same obligation to do justice to his right honourable relation; and then repeated the fact as stated by the Duke of *Richmond*, and confirmed the declaration that there was a difference of sentiment between his right honourable relation and the noble Lord at the head of the Treasury; and that the former had openly and positively declared in the cabinet, in consequence of finding himself in a minority on the question which constituted the object of the subsisting difference, that he would resign his situation; and that too at a time when the health of the Marquis of Rockingham was in a flustering condition, so as to make the event which was thought to give rise to the contest for power, not at all to be apprehended.

Lords *Camden* and *Ashburton* did not speak.

His Majesty entered the House, and being seated on the throne, the Commons were sent for. The Speaker, attended by the Commons, came to the bar, when the Speaker, on presenting the bill for paying off the debt on the Civil List, addressed his Majesty to the following effect:

"That

“ That his Majesty’s faithful Commons had in consequence of his royal message, taken some steps to establish a plan of œconomy, which his Majesty had recommended to his Commons to adopt, in every branch of the public expenditure. That they had not been satisfied with making a provision for the debt on his Majesty’s Civil List, but had also established such regulations as would prevent it from running into arrear in future. That they had taken into their consideration the jealousies and complaints of the people of Ireland; and had taken such measures as they had reason to hope would tend to strengthen the connection between that kingdom and Great Britain. That, in order to preserve the purity of the legislature, they had passed such laws as would secure both the electors and the elected, from the imputation of being under any undue or improper influence. He concluded, by observing that as his Majesty’s faithful Commons had most cheerfully committed to those burdens, which the necessities of the times had called for, so they trusted that his Majesty would make the most of the great force put into his hands for the purpose of supporting the rights and interests of his people, and restoring to them the blessings of peace.”

The royal assent was then given to five public bills. His Majesty made the following most gracious speech to both Houses.

“ *My Lords and Gentlemen,*

“ The unwearied assiduity with which you have persevered in the discharge of your duty in Parliament, during so long a session, bears the most honourable testimony to your zeal and industry in the service of the public; for which you have provided with the clearest discernment of its true interests; anxiously opening every channel for the return of peace; and furnishing with no less vigilance the means of carrying on the war, if that measure should be unavoidable.

“ The extensive powers with which I find myself invested to treat for reconciliation and amity with the Colonies which have taken arms in North America, I shall continue to employ in the manner most conducive to the attainment of those objects, and with an earnestness suitable to their importance.

“ The zeal which my subjects in Ireland have expressed for the public service, shews that the liberality of your proceedings towards them is felt there as it ought; and has engaged their affections, equally with their duty and interest, in the common cause.

“ The diligence and ardour with which you have entered upon the consideration of the British interests in the East In-

dies,

dies, are worthy of your wisdom, justice, and humanity. — To protect the persons and fortunes of millions in those distant regions, and to combine our prosperity with their happiness, are objects which amply repay the utmost labour and exertion.

“ Gentlemen of the House of Commons,

“ I return you my particular thanks for the very liberal supplies which you have granted with so much cheerfulness and zeal for the service of the current year. I reflect with extreme regret upon the heavy expence which the circumstances of public affairs unavoidably call for. It shall be my care to husband your means to the best advantage, and, as far as depends on me, to apply that economy which I have endeavoured to set on foot in my civil establishment, to those more extensive branches of public expenditure, in which still more important advantages may be expected.

“ My Lords and Gentlemen,

“ The important successes, which, under the favour of Divine Providence, the valour of my fleet in the West-Indies hath obtained, promise a favourable issue to our operations in that quarter. The events of war in the East-Indies have also been prosperous. Nothing, however, can be more repugnant to my feelings, than the long continuance of so complicated a war.

“ My ardent desire of peace has induced me to take every measure which promised the speediest accomplishment of my wishes; and I will continue to exert my best endeavours for that purpose. But if, for want of a corresponding disposition in our enemies, I should be disappointed in the hope I entertain of a speedy termination of the calamities of war, I rely on the spirit, affection, and unanimity of my Parliament and people to support the honour of my Crown, and the interests of my kingdoms; not doubting that the blessing of Heaven, which I devoutly implore upon our arms, employed as they are in our just and necessary defence, will enable me to obtain fair and reasonable terms of pacification. The most triumphant career of victory would not excite me to aim at more; and I have the satisfaction to be able to add, that I see no reason which should induce me to think of accepting

